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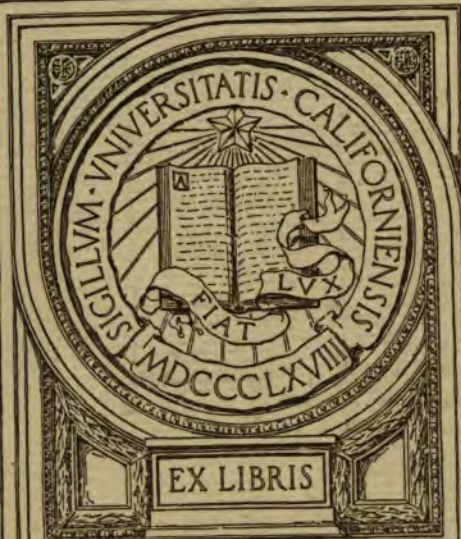


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## ELECTION 1914

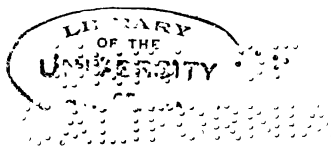
This Pamphlet is for Preservation  
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Town to which it is Furnished.

STATE OF NEVADA

# THE ELECTION LAWS

Compiled by  
**GEORGE BRODIGAN**  
Secretary of State

Printed at the  
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1974

# VOTERS, TAKE NOTICE!

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Before election day read the law.

Secure a sample ballot before going to the polls.

Decide for whom you will vote before going into the booth.

Obtain your ballot from one of the Clerks of Election.

You will be allowed only ten minutes in which to prepare your ballot.

Stamp the cross X after the name for which you vote.

The cross must be made only with the stamp in black ink.

Any writing or other marking will invalidate your ballot.

Fold your ballot before leaving the booth.

See that the water-mark and number are on the outside.

Deliver your ballot, folded, with the stamp, ink and ink-pad to the Inspector, and give your name.

Only one voter can occupy a booth at one time.

A voter physically disabled may have the assistance of another elector in preparing his ballot.

Inability to read or write will not be considered a physical disability.

Drunkenness is not physical disability.

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NOTE—The above are respectfully suggested as some of the instructions to be printed in the card of instruction to voters. Sections 27, 28, 29 and 30 of Chap. 5, entitled "An Act relating to elections and removals from office," should be printed on each card.

TO VOTE  
ABSORBIA

# LAWS RELATING TO ELECTIONS

CHAP. 284—*An Act relating to elections and removals from office.*

[Approved March 31, 1913]

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

## CHAPTER 1—LEGAL RESIDENCE

### *Legal Residence Defined.*

SECTION 1. The legal residence of a person with reference to his or her right of suffrage, eligibility to office or right of naturalization, is that place where he or she shall have been actually, physically and corporeally present within the state or county, as the case may be, during all of the period for which residence is claimed by him or her; *provided, however*, should any person absent himself from the jurisdiction of his residence with the intention in good faith to return without delay and continue his residence, the time of such absence shall not be considered in determining the fact of such residence.

### *Residence Gained or Lost.*

SEC. 2. No person shall be deemed to have gained or lost such a residence by reason of his presence or absence while employed in the military, naval or civil service of the United States, or of the State of Nevada; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student at any seminary or other institution of learning; nor while kept at any almshouse, or other asylum at public expense, nor while confined in any public prison or jail.

### *Residence Not Lost.*

SEC. 3. A person removing from one county, within this state, to another, or from one precinct to another of the same county, within thirty days prior to any election, shall not be deemed to have lost his residence in the county or precinct removed from; *provided*, he was an elector in such county or precinct on the thirtieth day prior to such election.

### *Residence Lost.*

SEC. 4. If a person remove to another state, territory, or foreign country, with the intention of establishing his domicile there, and making it his home, he shall lose his residence in this state.

*Burden of Proof.*

SEC. 5. If a person having a fixed and permanent home in this state, break up such home and remove to another state, territory, or foreign country, the intent to abandon his residence in this state shall be presumed, and the burden shall be upon him to prove the contrary; and the same rule shall obtain when a person, in like circumstances, and in like manner, shall remove from one county or precinct to another within the state.

*Residence of Family Place of Residence.*

SEC. 6. If a man have a family residing in one place and he does business in another, the former must be considered his place of residence, unless his family be located there for temporary purposes only; but if his family reside without the state, and he be permanently located within the same, with no intention of removing therefrom, he shall be deemed a resident.

SEC. 7. If a person remove to another state, territory or foreign country, with the intention of remaining there for an indefinite time, and as a place of present residence, he shall lose his residence in this state, notwithstanding that he may entertain the intention of returning at some uncertain future period; and an occasional return, either for business purposes or pleasure, to the place of his former abode in this state, shall not be sufficient to preserve his residence therein.

## CHAPTER 2—REGISTRATION

SECTION 1. A new registration of the electors of this state shall be made in the year 1914, within the dates hereinafter specified, and every two years thereafter.

SEC. 2. After being once registered in any precinct in this state, no elector shall be permitted to reregister in any other precinct until the following biennial registration as herein provided. If any elector loses his residence in the precinct in which he is registered, by reason of removal therefrom, he shall acquire the right to vote in his new precinct by a transfer of registration only, as hereinafter provided.

*When Registry Agent Other Than Justice of the Peace May Be Appointed.*

SEC. 3. The justices of the peace of the several counties of the state shall be ex officio the registry agents of their respective townships, and, as such, their powers and duties shall be as hereinafter provided in this act; *provided*, that in any townships where, from any cause, there shall be no justice of the peace duly commissioned and qualified, or where an election district may be situated too distant from the office of the justice of the peace of said township, the commissioners of the county in which said election district is located may appoint some other competent person to perform the duties of registry agent, who shall be clothed with the

same power and governed by the same restrictions as justices of the peace in the registration of the names of electors under the provisions of this act. All registry agents shall have power to administer oaths or affirmations, and do such other acts as may be necessary to fully carry out the provisions of this act. Any registry agent or ex officio registry agent may appoint a deputy registry agent who, upon the filing of his appointment and oath of office with the county clerk, shall have power to register voters, administer oaths or affirmations, and do all such other acts as may be done by a registry agent in carrying out the provisions of this act. Any registry agent or ex officio registry agent appointing any deputy shall be responsible for the compensation and acts of such deputy. (As amended, Stats. 1911, p. 332.)

*County Commissioners to Provide Stationery for Registry Agents.*

SEC. 4. The county commissioners of the several counties shall provide for the registry agents, in their respective counties, when and where required, all proper and necessary books and stationery to carry out the provisions of this act. They shall furnish to each registry agent a book which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to wit:

First—Number on the register.

Second—Date of registry.

Third—Name of elector.

Fourth—Age of elector.

Fifth—Where born.

Sixth—Last place of residence before coming to Nevada.

Seventh—First place of residence in Nevada.

Eighth—Present number of ward, or name of electoral district.

Ninth—Description of residence.

Tenth—Certificate of naturalization exhibited.

Eleventh—Designating the politics or political party of the elector; *provided*, that said elector shall not be required to designate his politics or the political party to which he belongs and the registry agent shall not be required to enter the same on the register unless said elector intends to vote at a primary election provided for by law; and in no event shall any elector, who has refused or failed to indicate his politics or the political party to which he belongs, as herein required, be entitled to vote at any primary election.

*Particular Directions as to Registration of Voters.*

SEC. 5. It shall be the duty of the registry agents, at any time when called on to do so, between the hours of 10 a. m. and 6 p. m., on all legal days, from and after the first day of July, and up to and including the twentieth day of October, prior to any general election, and in the case of any special or



municipal election provided for by law, twenty days prior to closing the register (which shall close ten days prior to the day of election), to receive and register the names of all persons legally qualified and entitled to vote at such election, or who will have legally acquired a residence (being otherwise qualified) and right to vote at such ensuing election according to the provisions of law under which such election may be held, in each election district within their respective townships, entering on the official register under the proper heading, the number and date of registry, the name (with the first or given name in full, if practicable), the age and nativity of the elector, last place of residence of elector before coming to Nevada, first place of residence of elector in Nevada, together with the number of the ward or name of precinct, and a particular description of the house, building or room in which the elector resides, such as will enable the officer or person desiring to serve notice of objection to vote to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of or failure to exhibit his certificate of naturalization shall be noted in the column provided for that purpose, which list, properly entered, as in this section required, shall be known as the "Official Register" of elections of their respective townships; *provided*, that for ten days next preceding the day set for closing the registry before any election mentioned in this act, said registry agents shall also be in attendance at their respective offices, and ready to register the names of applicants, at any time between the hours of 7 and 9 o'clock p. m., in addition to the hours heretofore required in this section; *provided further*, that if any person shall fail or refuse to give his residence and the other information, with the particularity required in this section, he shall not be registered; *and provided further*, if the 20th day of October shall fall on Sunday the time for registration shall be extended until 6 p. m. of the 21st day of October; *and provided further*, that no person shall be deemed to be registered for the September primary election unless he shall have been so registered on or before the 20th day of August next preceding the date of such election.

*To Publish Notice.*

SEC. 6. The registry agents shall cause to be published in a newspaper published in their county, or if none be so published, then in the newspaper published nearest to their county-seat, for twenty days before the expiration of the time provided for registration, prior to any general election, and for ten days before the expiration of the time provided by law for registration prior to any special or municipal election, a notice to the effect that the time for registration of the names of the qualified electors in election districts number ....., township ....., prior to the ..... election (specifying the election), to be held on the ..... day of .....

A. D., 19...., for the county of ..... (or city of .....), will expire at 6 o'clock p. m., on the ..... day of ....., A. D., 19.... The publication of said notice shall continue until the expiration of the time provided for said registration; *provided*, that in remote or new and sparsely settled districts written notices posted at not less than five conspicuous places within said district may be substituted for the publication in a newspaper.

*Voter to Take Oath—Form of Oath.*

SEC. 7. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe the following oath or affirmation, which shall be administered by the registry agent, to wit:

"I do solemnly swear (or affirm) that I am a citizen of the United States, that I am of the age of twenty-one years, and will have actually and not constructively resided in this state six months, and in the county thirty days next preceding the day of the next ensuing election (or, in case of a municipal election, such length of time as may be required by the act of incorporation), that before coming to the State of Nevada I last resided at ....., in the State of ..... (designating such place of residence), that upon first coming to the State of Nevada I resided at ....., in said state (designating such place of residence), and that I am not registered elsewhere in this state. So help me God (or under the pains and penalties of perjury)."

Whenever an oath is required by the provisions of this act, the elector shall swear according to the form of his religious faith or belief and in such manner as may be considered most obligatory on his conscience.

*Oath Required of Elector, When.*

SEC. 8. When any person shall appear and demand to be registered, whom the registry agent shall not know to be entitled to registry, under the qualifications required by law for the election then ensuing, the registry agent may question the applicant generally, either under oath or not, as to his qualifications as an elector, and, if satisfied, shall enter his name in the registry. But if the registry agent shall not be fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the registry agent shall require the applicant to answer truly, under oath or affirmation, the following questions together with such other questions as said registry agent may consider necessary and proper, testing his qualifications as an elector for the ensuing election, to wit:

First—Are you a citizen of the United States?

Second—Are you now or will you be twenty-one years of age on or prior to the day of the next ensuing election?

Third—On the day of the next ensuing election will you have actually and not constructively resided in this state six

months, and in this county thirty days (or in this city ..... days or ..... months, as provided by the act of incorporation) next preceding the day of said election?

Fourth—Are you now a resident of the election district in which you propose to be registered?

Fifth—Are you registered for this electoral year in any other election district in the name you have now given, or in any other name?

If any of the foregoing questions shall be answered in the negative except the fifth, or that in the affirmative, the applicant shall not be registered; but if the applicant answer all the foregoing questions in the affirmative, except the fifth, and that in the negative, and the registry agent shall still believe, from the answers to such further questions that he may be led by circumstances to ask, that the applicant is not a qualified elector, he shall refuse to register the name of said applicant. But such applicant may then apply to the district court of his district, or the judge thereof, for a writ of mandamus to compel the proper registration of his name in such election district; and any elector may also apply to the district court of his district, or the judge thereof, for a writ of mandamus to compel the registry agent to erase from the registered list of electors the name of any person therein registered whom the applicant may know and be able to prove is not a qualified elector; *provided*, that said registry agent shall have notice and opportunity to be heard before said court, or the judge thereof, and show cause for his refusal. For the purpose of deciding contested questions of registration, the district judges of the various judicial districts shall hold court or sit in chambers at least one day in each county of their respective districts during the ten days immediately preceding any general election, during which days cases of contested registration shall take precedence of all other business before such judges or courts. All such cases shall be decided within forty-eight hours after being submitted, and every case shall be decided before the day of election. A resident, within the meaning of this act, shall be construed to mean a person who has resided or will have resided continuously within this state for six months, and in the precinct the time prescribed by law, next preceding the day of the next ensuing election. Every person registered for a September primary election shall be deemed registered for all subsequent elections for which the residence qualification is included in or implied by the residence qualification of such September primary election, until and including the 30th day of June of the next even-numbered year, and registrations held subsequent to such September primary registration shall only be for the purpose of registering those not registered for such September primary election, or for any election held subsequent thereto, and prior to the date when

such person applies for registration. The person so deemed registered shall be subject in all cases to be excluded from the registry by reason of the change of residence, or other causes, as provided elsewhere in this act.

SEC. 9. Any person entitled to be registered may apply to his proper registry agent, to be registered without personal appearance before the registry agent. Upon receipt of a request from any such person, the registry agent shall furnish him by mail, or otherwise, a blank to be filled out by such applicant for registration. Such blank shall contain the usual headings of the official register and shall also contain a certificate, to be signed by the applicant for registration, that he is a qualified voter of the state, that he is entitled to registration, that he is not registered in any other election precinct in this state, that he makes this certificate for the purpose of being placed on the registration list and that the entries upon the blank are in his own handwriting. These said blanks shall also contain a certificate, to be signed by two qualified electors of the county, that they know the applicant for registration is entitled to be registered by the registry agent in the precinct in which he is applying for registration. The making of a wilful false certificate provided for in this section shall be a misdemeanor and punishable as now provided by law for the punishment of misdemeanors.

SEC. 10. Upon the receipt by mail, or otherwise, of any such blank form properly filled out and certified as herein provided, prior to the time for the close of registration, the registry agent shall place the name of such applicant upon the official register and shall carefully preserve all such blank forms which shall have been presented to him by applicants for registration and who shall have been registered by him as herein provided.

#### *Naturalized Citizen, How Qualified.*

SEC. 11. When a naturalized citizen shall apply for registration, his certificate of naturalization must be produced and stamped or written in ink by the registry agent, with his name and the year and county where presented; but if it shall satisfactorily appear to the registry agent, by the oath or affirmation of the applicant (and the oath or affirmation of one or more credible citizens, as to the credibility of such applicant, when deemed necessary), that such certificate of naturalization is lost or destroyed, or beyond the reach of the applicant for the time being, said registry agent shall register the name of the applicant, unless he be by law otherwise disqualified; *provided*, that in case of failure to produce the certificate of naturalization, the registry agent shall propound to him the following questions:

First—In what year did you come to the United States?

Second—In what state, county, court, and year did you declare your intention to become a citizen?

Third—In what state, county, court, and year were you finally admitted to citizenship?

Fourth—Where did you last see your certificate of naturalization?

The answers to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant and retained in possession by the registry agent, and by him handed over to his successor; *provided*, that no person shall be required to make the affidavit twice before the same agent, or successor of such agent, having in his possession a former affidavit.

*Registry Agent to Publish Names of Voters—Challenge, How Made and Disposed Of.*

SEC. 12. On the day next succeeding that on which the registration of electors, prior to any election, mentioned in this act shall have been closed, the registry agents shall, with all reasonable expedition, prepare, and cause to be written or printed a full and complete list of all the names registered by them, and then remaining on the official register, for each election district, alphabetically arranged, commencing always with the surname of each; and they shall have printed or written such reasonable number of copies of each district list as in their judgment may be necessary, at least five copies of which they shall cause to be posted up in as many public and conspicuous places within the district to which they apply, and the remainder of such lists shall be distributed among the electors of the respective districts. The registry agents shall give notice in said lists that they will receive objections to the right to vote, on the part of any person so registered, until 6 o'clock p. m. on the tenth day previous to the day of election; and also requesting all persons whose names may be erroneously entered in said lists to appear at his office and have such error corrected. Such objections to the right to vote shall be made only by a qualified elector in writing, setting forth the ground of the objection or disqualification, and sworn to, or affirmed to, to the best of his knowledge and belief. A copy of such written objections, with the name of the objector, together with a copy of notice, requiring the person objected to to appear before the registry agent at a time certain and specified therein, and answer under oath such questions as may be propounded to him by the registry agent, touching his qualifications as an elector, shall be served on the person objected to, and such service shall be good when left at the place of residence of such person objected to, as the same shall appear in the official register, however general or indefinite may be the description of the same in said register. And no such objections shall be tried unless it shall appear by the return of an officer, or the sworn statement of an elector within the county, appended to such notice, that such objections and notice were by him duly

served by copy, as in this section of this act required. At the time specified in the notice, or at such further time as the hearing may be adjourned to, the registry agent, upon being satisfied from the return or affidavit that proper service of notice has been had, as in this section provided, shall proceed to examine such person (if present), under oath, touching all matters specified in such written objections, and respecting his general qualifications as an elector, and the testimony of the person making the objections, and any further evidence offered (which the registry agent before whom objections are made may desire to hear in relation thereto). If the registry agent shall be satisfied, from the answers under oath of the person objected to, or other evidence, that he is not a qualified elector, as required by law, for the next ensuing election, or if such person, so notified as hereinbefore provided and required, shall fail to appear at the time set, or shall fail to show cause for his nonappearance, it shall be the duty of the registry agent to erase his name from the official register; *provided*, that any person whose name may have been so erased, may apply to the district court or the judge thereof, as is provided in section 6 of this act; *provided, further*, for a refusal of any registry agent to perform his duties as registry agent, he shall, on conviction thereof, before a court of competent jurisdiction, be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment not less than fifteen nor more than fifty days, or by both such fine and imprisonment.

*Registry Lists Printed, When.*

SEC. 13. Whenever any board of county commissioners shall deem it necessary to have printed copies of the names upon the register of voters in any election precinct, said board shall cause said list to be printed in such manner, and for such time, in a newspaper or otherwise, as they may deem best calculated to give notice to the public of the names so registered, and shall cause copies thereof to be forthwith furnished to the registry agent of said precinct for posting; *provided*, that no registry list shall be printed at the charge or expense of a county, and no board of county commissioners shall allow, or auditor approve, any claim therefor, in whole or in part, unless said printing shall have been done at the instance and order of said board; *and provided further*, that in no case shall the whole amount allowed by said board, approved by the auditor, or paid by the county for printing any registry list, exceed the sum of fifteen cents for each name upon said list and printed; *and provided further*, that in all cases of such publication, subsequent to the date of the September primary election, such published list shall include only the names of electors not registered and entitled to vote at a previous election, under the provisions of section 8 of this chapter.

*Copies of Register and Check Lists To Be Furnished.*

SEC. 14. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, the registry agents shall carefully copy from the official register, into suitable books, one for each election district within their respective townships, the names of all electors registered for such election district, alphabetically arranged (the surname first), entering opposite each name the number it bears on the official register, together with all other entries therein found opposite such name. The registry agent shall also prepare, not later than the day next preceding that on which the election is to be held in "index books," one for each election district, and which shall be known as the "check list," lists of the names of all electors found on the official register for such election districts, alphabetically arranged (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the inspectors of election shall check the names of those voting, by some particular character, as for instance, thus "V" for voted. Said blank columns last mentioned shall have written "headings" made by the registry agents, showing what particular election said "check lists" apply to, as for instance, "voted at general election, 1868," or "voted at city election, 1869." The copy of the official register, together with the "check list," for each election district, as herein provided, shall be carefully prepared and duly certified to by the registry agent, and delivered to some one of the inspectors of election, in each election district, at a time not later than the day next preceding that on which such election is to be held, and such "check lists" shall be carefully preserved and transmitted by the inspectors of election to the clerk of the board of county commissioners, in connection with and as a part of the "election returns," as provided by law.

*Transfers — Certain Electors Given Certificates Entitling Them to Vote in Choice of Precincts Under Certain Conditions.*

SEC. 15. Any registered elector, moving from one election district to another, prior to the day of the ensuing election, may apply to the registry agent before whom he has already been registered for that electoral year, at any time prior to the delivery of the certified copies of register to the inspectors of election, and have his name taken off the official register, and receive from the registry agent a certificate showing substantially that he was on a certified date duly registered in the official register of Township No....., in the county of....., and that his name has been erased at his own request; which certificate shall entitle him to have his name registered in

the same manner as other names are registered, in any other election district either within the same county or any other county, for said election; *provided*, that it shall satisfactorily appear to the registry agent receiving the certificate, and to whom application is made for the second registration, that the applicant will have resided such length of time within such county and election district, prior to the next ensuing election, as is or may be provided by law to entitle him to vote. Any registered elector employed in moving trains, stages, mails or otherwise upon any of the transportation routes in this state may apply to the registry agent before whom he has been already registered for that electoral year, at any time prior to the delivery of the certified copy of the register to the inspectors of election, and have his name taken off the official register and receive from the registry agent a certificate as above provided. Upon presenting, at any time not later than one hour prior to the closing of the polls, to the inspectors of election, in any precinct on the railroad, stage line or transportation route on which he is employed, including the precinct in which he originally registered, the certificate mentioned above, and his written affidavit, which may be subscribed and sworn to before any of the inspectors of election, or any officer authorized to administer oaths, stating that he was so suddenly called away or detained by the transportation business in which he is employed that he did not have time to vote in the precinct in which he was originally registered, or to reregister under his transfer in that or any other precinct before the delivery of the certified copy of the register to the inspectors of election, the inspectors of election shall accept and file the certificate and affidavit and shall cause the name of the elector to be entered upon the certified copy of the register and the check-list under the designation "Electors allowed to vote upon presentation of certificate and affidavit on election day," and shall thereupon allow the elector to vote, the same as if his name had originally appeared upon the register, or certified copy thereof, and check-list. That a legal voter who has complied with the law regarding registration, and whose business may take him away from his home county and his own voting precinct on election day, may go to the registry agent of his precinct and have issued to him a certificate stating his residence and the voting precinct wherein he is duly registered and entitled to vote, together with all necessary information that would safeguard the use of such certificate. Said certificate to also have blanks for filling out by the election board to whom presented, together with the holder's sworn statement that he is one and the same person to whom such certificate was issued. Upon presentation of such certificate, properly issued and sworn to, the election board to whom such voter presents said certificate, shall issue to said voter a short ballot from which all legislative, district and county officers



shall be left off. A quantity of such short ballots to be issued to one central voting precinct in each town or city of 500 population or over. These ballots to be counted in the voting precinct where cast, but the election board shall take up such certificate when a ballot is issued to the holder thereof, to be returned to the registry agent who issued same, in order to prevent fraudulent repeating. This provision to apply only to national and state elections.

*Oath of Registry Agents.*

SEC. 16. Before entering upon the duties prescribed in this act, the registry agents (excepting justices of the peace who have been duly qualified) shall severally take, subscribe before an officer duly authorized to administer oaths the following oath or affirmation, which shall be filed in this office of the county clerk of their respective counties, to wit:

I, ....., registry agent for election districts numbers ..... and ....., in the county of ....., and State of Nevada, do solemnly swear (or affirm) that I will perform all the duties of registry agent in and for said election districts according to law and the best of my ability, and that in the discharge of my duties as such registry agent I will honestly endeavor to prevent fraud, deceit, or any other manner of abuse of the elective franchise, so help me God (or under the pains and penalties of perjury).

*Compensation of Registry Agents.*

SEC. 17. The several registry agents shall be entitled to receive, as full compensation for all services rendered by them under the provisions of this act the sum of twenty-five cents for each name by them legally registered in each electoral year, which shall be a valid claim against their respective counties; and their accounts shall be made out so as to clearly show the number of names by them severally registered during the electoral year, and sworn to and filed with the board of county commissioners of their respective counties; and said claims, together with all other just and reasonable demands of other persons for books, advertising and printing, necessarily incurred in carrying out the requirements of this act, shall be audited and paid out of the county funds of the several counties as other county charges; *provided*, that the expenses incurred in publishing the notices and printing the lists of electors prior to any municipal election shall be charged against and shall be paid by the corporate authorities of the municipality holding such election.

*Registry Agents to File Complete List of Voters With County Clerk.*

SEC. 18. It shall be the duty of each and every registry agent, before receiving pay for his services as such, to send the county clerk of the county wherein he is serving, a full

and complete list of the registered voters in his precinct, with their ages and postoffice address.

*County Clerk to Forthwith Certify Said Lists by Precincts to Secretary of State.*

SEC. 19. It shall be the duty of each and every county clerk throughout the state upon receiving the said list of registered voters from the different registry agents of the different precincts in each county, to furnish forthwith a certified copy of said registry list, containing the names and postoffice address of the said registered voters in each and every county, by precincts, to the secretary of state, who shall upon receipt file the same in his office.

*Death of Registry Agent—Duties of County Commissioners.*

SEC. 20. It shall be the duty of the chairman of the board of county commissioners of any county in this state, upon receiving notice from any responsible citizen of the death or resignation of any registry agent in his county after the opening and prior to the closing of the books of registration, to immediately, without giving notice, appoint some competent person to fill such vacancy.

*Must Qualify.*

SEC. 21. It shall be the duty of such person so appointed to qualify within two days after receiving notice of such appointment.

*Voters May Register Elsewhere in County.*

SEC. 22. In case of the failure of such persons so appointed to qualify within time herein provided, voters may, upon producing evidence as to their right to vote, be registered at any other precinct in said county.

*Legal Voter, When Considered.*

SEC. 23. Any person so registered shall, upon presentation and surrender of a certificate of registration, signed by the registry agent of said precinct, be considered a legal voter in any precinct of said county.

*Name Must Be on List.*

SEC. 24. No person shall be entitled to vote at any election mentioned in this act unless his name shall, on the day of election, appear in the "check-list" furnished by the registry agent to the inspector of election of the election district at which he offers to vote; and the fact that his name so appears in the "check-list," and in the copy of the official register in the possession of the inspectors of election, shall be *prima facie* evidence of his right to vote; *provided*, that when the inspectors of election shall have good reason to believe, or when they shall be informed by a qualified elector, that the person offering to vote is not the person who was registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

*Fraudulent Voting a Felony.*

SEC. 25. Any person who shall vote at any election mentioned in this act, who shall not be a qualified elector, or any person who, being a qualified elector, shall vote, or offer to vote, in the name of any other registered elector, shall be deemed guilty of a felony, and on conviction thereof before any court of competent jurisdiction, shall be punished by imprisonment in the state prison for not less than one nor more than three years; and any person who shall wilfully cause, or endeavor to cause, his name to be registered in any other election district than that in which he resides, or will reside prior to the day of the next ensuing election; and any person who shall cause, or endeavor to cause, his name to be registered, knowing that he is not a qualified elector, or will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made; and any other person who shall induce, aid or abet any such person in the commission of either of such acts in this section enumerated and described, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the county jail for not less than one month nor more than six months, or both such fine and imprisonment, in the discretion of the court.

*Perjury, and Penalty for.*

SEC. 26. All wilful, corrupt and false swearing or affirming before any registry agent shall be deemed perjury, and on conviction shall be punished as such. If any registry agent, or any other person in any manner concerned, shall wilfully and corruptly violate any of the provisions of this act, the penalty for which is not herein specifically prescribed, he shall be punished for each and every offense whereof he shall be convicted, by imprisonment in the state prison for a term not less than one year nor more than five years, or by fine of not less than one hundred nor more than one thousand dollars, or both such fine and imprisonment, in the discretion of the court.

SEC. 27. The provisions of section 28 to 33 of this act shall apply only to the registration of electors in any incorporated city within this state polling more than 2,000 votes at the last preceding general election, and are intended to be supplemental to the preceding sections of this act providing for the registration of the names of electors.

SEC. 28. The county commissioners of the several counties shall provide for the registry agents, as now constituted by law, in their respective counties, when and where required all proper and necessary books and stationery to carry out the provisions of this act. They shall furnish to each registry

agent whose duty it is to register the electors in any incorporated city within this state, polling more than two thousand votes at the last preceding general election, a book to be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to wit:

First—Number on the register.

Second—Date of registry.

Third—Name of elector.

Fourth—Age of elector.

Fifth—Where born.

Sixth—Number of ward or name of electoral district.

Seventh—Description of residence.

Eighth—Certificate of naturalization exhibited.

Ninth—Signature of the elector.

Tenth—Number of identification statement.

Eleventh—Politics of the elector.

Each column shall be so marked by printed or written words at the top thereof on each page of such official register as to indicate the nature of the entries to be made therein. Such official register shall be in such number of volumes as shall equal the number of voting or polling places in such incorporated city.

*Signature of Elector—Questions To Be Answered by Elector Unable to Write.*

SEC. 29. In registering electors in any such incorporated city as mentioned in section 1 of this act, it shall be the duty of the registry agent to make the appropriate entries in each column of such official register, except in the ninth column, and in said ninth column it shall be the duty of the registry agent to procure from the elector his signature by having the elector sign therein his name in ink or indelible pencil; and the elector shall, with his own hand and without assistance, using an indelible pencil or ink, sign his name; *provided*, that if the elector alleges his inability so to sign, the registry agent shall read to the elector the following questions from a book furnished by the county commissioners and to be known as "Identification Statements for Registration Day," and said registry agent shall write down in said book the answers of the elector to said questions, each answer being written after the question to which it is an answer. Said questions so read shall be the following:

What is your name?

What is or was your father's full name?

What is or was your mother's full name?

What is your occupation?

What is the name of your present employer?

If unemployed, what is the name of your last employer?

Where is or was his place of business?

Are you married or single?

Where did you actually reside prior to taking up your present residence?

At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above-named elector each of the foregoing questions and that I have truly recorded his answers as above to each of said questions," and said registry agent, who has made the above record, shall forthwith sign his name to said certificate and date same.

The above questions shall be printed on separate sheets of paper which shall be furnished said registry agent, bound together in book form and numbered consecutively, and the number corresponding to the number on each sheet, containing said list of questions shall be entered, when questions have been answered, in the tenth column in the official register of electors. Said book of identification statements shall be kept at all times by the registration agent or other proper officer or officers with the said official register.

*Questions and Answers Transmitted to Election Board.*

SEC. 30. Each of said registration agents shall cause such registration of electors and said questions of electors and said questions for identification to be so kept that the same shall be in form to be transmitted to the inspectors of elections, and all the electors registering shall be classified according to the polling or voting places at which they are each respectively entitled to vote, and all electors entitled to vote at any particular polling place in the same book, or have the questions put to them recorded in one book or bound together in such manner as the registry agent shall determine, and no electors entitled to vote at different polling places shall be registered in the same book. And no change shall be made in polling places which in any wise interferes with the purposes of this act.

*Original Official Register Delivered to Election Board.*

SEC. 31. In addition to the books now required by law to be delivered by registry agents to the inspector or inspectors of elections, the registry agent shall deliver not later than the day preceding that on which the election is to be held, to some one of the inspectors of election in each polling or voting place in any such incorporated city, the original official register containing the names and original signatures of all electors registered and entitled to vote at such polling place, together with the original or true copies of the identification statements for all electors entitled to vote at such polling place, if any there be.

*Oath to Swear In Vote, When.*

SEC. 32. If any elector registered under the provisions of this act shall transfer to any other incorporated city mentioned in section 1 thereof, or if any duly registered elector shall transfer to any such incorporated city, after the

closing of registration, and shall demand his right to vote at the election and shall, by reason of such transfer, not be able to be indented thereat by his signature taken at the time of registering as provided in this act, or by said identification statements, he shall, if his right to vote be challenged or questioned, before being given a ballot, prove to the satisfaction of the inspector or inspectors of election, by the oath of two qualified electors, that he is the same person who so registered in said other voting precinct and has been transferred and is mentioned in said certificate of transfer, which oath shall be reduced to writing and by the elector subscribed and sworn to before one of the inspectors of election, who shall also sign his name thereto in a book to be known as the "Transfer Book," which shall be kept in the same manner as the other election books.

*Signature of Voter at Polls, When—Identification Certificate.*

SEC. 33. At any and all elections hereafter to be held in any such incorporated city, if any person except as provided by section 5 demanding his right to vote shall be challenged, or his right to vote be questioned, he shall, before receiving a ballot, sign his name by his own hand and without assistance, using an indelible pencil or ink, in a book provided by the inspectors of elections and to be known as the "Signature Book" and to be so labeled in printed or written words in ink, together with the name and description of the polling place. If the elector on election day alleges his inability to so sign, then one of the election clerks, to be designated by the chairman of the election board or chairman of the inspectors of elections, if there be a chairman, if not then by any inspector of elections for such polling place, shall read the same list of questions to the elector as were required to be read at the time of registration from a book to be provided for election day, and be known as "Identification certificates for election day," and said clerk shall write the answers of the elector thereto. Each of these questions shall be numbered, and a number corresponding to the number on the statement sheet shall be entered opposite the name of the elector in the index book now provided for by law. The questions answered on registration day by the elector shall not be turned to until all the answers to said questions shall have been written down on election day by said election clerk. Any person who shall prompt a voter in answering any questions provided for in this act shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not more than two years. At the bottom of each list of questions provided to be asked an elector on election day shall be printed or written the following statement: "I certify that I have read to the above-named elector each of the foregoing questions and that I have truly recorded his answers as above to each of said questions," and said election

clerk who has made the said record shall sign his name to the said certificates and date the same, and note the time of day of making such record. The comparison of signatures of an elector made on registration and election days, or the comparison of the answers made by an elector on registration and election days shall be had in full view of watchers, and the right to challenge electors shall exist until the ballot shall have been deposited in the ballot box. If the signatures or answers, as the case may be, made upon registration day do not correspond, in the judgment of a majority of the inspectors of elections, then the person so offering to vote shall not be entitled to a ballot. And that shall be the only test as to whether the person offering to vote is the same person who registered under the name offered to be voted by such person so offering to vote. No other identification of electors shall be necessary nor permitted.

### CHAPTER 3—PRIMARY ELECTIONS

#### *Words Construed.*

SECTION 1. The words and phrases in this act shall, unless such construction be inconsistent with the context, be construed as follows:

The words "primary election," any and every primary nominating election provided for by this act.

The words "September primary election," the primary election held in September to nominate candidates to be voted for at the ensuing November election.

The word "election," a general or city, or city and county election, as distinguished from a primary election.

The words "November election," the presidential election, the general state election, district, county, township, or city and county election held in November.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary elections or certifying the results thereof.

#### *Nominations, How Made.*

SEC. 2. All candidates for elective public offices shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; or

2. By nominating petitions signed and filed as provided by existing laws. Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.

This act shall not apply to special elections to fill vacancies, to the nomination of party candidates for presidential electors, nor to the nomination of officers of the incorporated

cities, whose charters or ordinances now or may hereafter provide a system for nominating candidates for such offices, nor to the nomination of officers for reclamation and irrigation districts; nor to school district officers or school trustees; nor shall it be construed as restricting or affecting the right of political parties to hold, under existing laws, which are hereby continued in force for all such purposes, primaries and conventions for the selection of delegates to national conventions.

*September Primary Election.*

SEC. 3. The September primary election shall be held in each precinct on the first Tuesday in September for the nomination of all candidates to be voted for at the ensuing November election. Any primary election other than the September primary election shall be held on Tuesday three weeks next preceding the election for which such primary election is held.

*Duties of Secretary of State and County or City Clerks.*

SEC. 4. 1. At least sixty days before the time for holding such September primary election in 1914, and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the city clerk in any city a notice in writing designating the offices for which candidates are to be nominated at such primary election.

2. Within ten days after receipt of such notice such county clerk or city clerk in any city shall publish so much thereof as may be applicable to his county once in each week for three successive weeks, in one newspaper published in such county or city and county.

3. In the case of September primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd-numbered years, the city clerk or secretary of the legislative body in any such city shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for three successive weeks in one newspaper of general circulation published in such city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

*Other Primary Elections.*

4. In the case of primary elections other than the September primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication and posting to be not more than forty and not less than fourteen days before such primary election.



*Notice To Be Posted Fifteen Days Previous to Election Day—Special Election, Eight Days.*

SEC. 5. The respective registry agents, to whom such notice shall be delivered, shall put up in three of the most public places of each precinct the notices referring to such precincts at least fifteen days previous to the time of holding any general election, and at least eight days previous to the time of holding any special election; one of said notices to be posted at the house where the election is authorized to be held, and the others at two of the most public and suitable places in the precinct.

*Time in Which County Clerks Shall Deliver to Registry Agents Notices of Election.*

SEC. 6. The several boards of county commissioners shall cause their clerks at least twenty (20) days before any general election and at least fourteen (14) days before any special election to make out, and send by mail to the respective registry agents of their county, three (3) written or printed notices for the election, to be, as nearly as circumstances will admit, as follows:

Notice is hereby given that on the first Tuesday, the ..... day of ..... next, at the house of ..... (in city, town, district or precinct) of ....., in the county of ....., an election will be held for state, county, district, town or township officers (naming the offices to be filled, as the case may be), which election shall be opened not later than 8 o'clock a. m., shall continue until 6 o'clock p. m. of the same day. Dated this ..... day of ....., A. D. ....  
(Signed) A. B., clerk of the board of county commissioners.

*Nomination Paper Filed Thirty Days Before September Primary Election—Fourteen Days in Other Primaries.*

SEC. 7. a. The name of no candidate shall be printed on an official ballot used at any primary election unless, at least thirty days prior to the primary election, if the candidate is to be voted for at the September primary election, and at least fourteen days prior to the primary election other than the September primary election, he shall file a nomination paper with the proper official as hereinafter provided by this act, such nomination paper to be under oath and in substantially the following form:

Nomination Paper of....., for the office of.....  
State of Nevada, county of ....., ss.

For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the ..... party as its candidate for the office of ....., I, the undersigned ....., do solemnly swear (or affirm) that I reside at No. .... street, in the city (or town) of ....., county of ....., State of Nevada, and that I am a qualified elector of the election precinct in which I reside;

that I am a member of the ..... party, that I believe in and intend to support the principles and policies of such political party in the coming election; that I affiliated with such party at the last general election of this state and I voted for a majority of the candidates of such party at the last general election (or did not vote at such general election, giving reasons); that I intend to vote for a majority of the candidates of said party, at the ensuing election for which I seek to be a candidate; that if nominated as a candidate of said ..... party at said ensuing election I will accept such nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practice in campaigns and elections in this state; and that I will qualify for said office if elected thereto.

..... (Signature of candidate for office.)

Subscribed and sworn to before me this ..... day of ....., 19...., ..... notary public (or other officer authorized to administer an oath).

b. In the case of an elector seeking a nomination for the office of state senator or member of the assembly, he may include with his affidavit one of the two statements hereinafter set forth in this section and subdivision. His failure to include either such statement shall not be a valid ground for refusal to receive and file his nomination paper or papers by the secretary of state, county clerk or register of voters in any city and county as the case may be. Such statements, if any be made, shall be in substantially the following form:

I further declare to the people of Nevada, and to the people of ..... (senatorial or assembly) district, that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States senator in congress who has received for that office the highest number of the people's votes for that position at the general election next preceding the election of a senator in congress.

..... (Signature of candidate for nomination.)

If the candidate be unwilling to sign the above statement, he may sign the following declaration, which shall be filed with his nomination paper:

I further declare to the people of Nevada, and to the people of the ..... (senatorial or assembly) district, that during my term of office I shall consider the vote of the people at any primary election for United States senator as nothing more than a recommendation, which I shall be at liberty wholly to disregard as I see fit.

..... (Signature of candidate for nomination.)

c. Nothing herein shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election, by electors or bodies of electors, as now

provided by law, but a candidate defeated at a primary election held under the provisions of this act shall be ineligible for nomination to the same office at the same election.

*Nominations, Where Filed.*

SEC. 8. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representative in congress and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county, city, town or township, in the office of the county clerk of such county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

*Fees From Candidates at Primary Elections.*

SEC. 9. Any candidate filing a nomination paper as provided in section 5a, with the proper officer as provided in section 6 shall pay to such officer a fee for such filing as follows:

If a candidate for nomination for any state office, or any district office voted in more than one county, or representative or United States senator in congress, one hundred dollars.

If a candidate for any district office voted for wholly in one county, fifty dollars.

If a candidate for any county office, twenty-five dollars.

If a candidate for state senator, twenty-five dollars.

If a candidate for assemblyman, fifteen dollars.

If a candidate for justice of the peace, constable or other town or township office, ten dollars.

No filing fee shall be required from a candidate for an office the holder of which receives no compensation.

*Fees, How Disposed Of.*

SEC. 10. The county clerk shall immediately pay to the county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Immediately after the last day for filing nomination papers the secretary of state shall pay to the state treasurer all fees received from candidates, and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

*All Ballots, etc., Paid for From Public Treasuries.*

SEC. 11. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act, and all expenses necessarily incurred in the

preparation for or the conduct of such primary election, shall be paid out of the treasury of the city, town or township, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of an election.

*Secretary of State to Certify Nominations—County Clerks to Publish Nomination and Notice of Primary Elections.*

SEC. 12. At least twenty-five days before any September primary election preceding a November election the secretary of state shall transmit to each county clerk of any county a certified list containing the names and postoffice address of each person for whom nomination papers have been filed in the office of such secretary of state and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principle he represents. Such county clerk shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the regular polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk to cause such publication to be made once a week for two successive weeks prior to said primary election.

*Not Published in More Than One Paper.*

SEC. 13. Every publication required by this act shall be made in a newspaper of general circulation published in such county or city or town or township.

*All Parties on Separate Tickets—Various Regulations as to Ballots, Size of Type—Instructions to Voters—Names of Candidates in Alphabetical Order—Form of Ballot.*

SEC. 14. 1. All voting at primary elections within the meaning of this act shall be by ballot, and the respective tickets of all political parties shall be printed on separate ballots.

It shall be the duty of the county clerk of each county to provide such printed official ballots to be used at any September primary election for the nomination of candidates to be voted for in such county, town or township, at the ensuing November election.

It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the September primary election.

All official ballots shall be printed on plain white paper. The secretary of state shall furnish the paper necessary to print said ballots, and it shall be the duty of the secretary of state to obtain and keep on hand a sufficient supply of such

paper for ballots, and to furnish the same in quantities ordered to any county clerk.

Such paper shall be watermarked with a design furnished by the secretary of state in such manner that the said watermark shall be plainly discernible on the outside of such ballot when properly folded, and such design shall be changed at each primary election.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election shall not be less than twelve inches wide, and enough wider to conform to the requirements of the following provisions of this section, and as long as the herein prescribed captions, headings, party designations, directions to voters, and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in black-faced capital type, not smaller than forty-eight point, the words: "Official Primary Election Ballot."

Beneath this shall be printed in not smaller than eighteen-point type the name of the party, and beneath this the name of the county and town, or township, wherein such ballot is to be used, together with the date of such primary election.

In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or general state election the words "Official Primary Election Ballot" shall be printed thereon in heavy-faced gothic capital type not smaller than twenty-four point.

4. At least three-eighths of an inch below the name of the county and town or township as aforesaid, and the date of the primary election, shall be printed in ten-point black-face type, double-leaded, the following: "Instructions to Voters."

To vote for a candidate of the party you have designated, make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

5. The "Instructions to Voters" shall be separated from the lists of candidates thereof and the designation of the several offices for which nominations are to be made by one light and one heavy line or rule.

6. The names of the candidates for each office shall be grouped in alphabetical order according to the surnames of the candidates for such office and each group shall be preceded by the designation of the office for which the candidates seek nomination and the words "Vote for one" or "Vote for two" or more, according to the number to be nominated. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than eight-point. The word or words designating the office shall be

printed flush with the left-hand margin, and the words "Vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

7. The names of the candidates shall be printed on the ballot in gothic capital type not smaller than eight-point, between light lines or rules three-eighths of an inch apart. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square.

Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule.

All official primary ballots shall have printed on the back and immediately below the center thereof in eighteen-point gothic capital type the words "Official Primary Election Ballot," and beneath these words the respective counties in which each ballot is to be voted.

8. All voting at primary elections under the laws of this state shall by ballot and the respective tickets of all political parties shall be printed on separate ballots and the election officers shall not deliver any ballot to any elector other than the ballot containing the ticket of the party to which he belongs, as shown by the register.

9. Where there is no party contest for any office the name of the candidate for party nomination shall be omitted from the ballot and shall be certified by the proper officer as a nominee of his party for such office.

10. The primary election ballot shall be printed in the following form and the ballots shall be bound, numbered, and perforated, as provided in the Australian ballot law:

[See following page.]

# OFFICIAL PRIMARY ELECTION BALLOT

ORMSBY COUNTY, CARSON TOWNSHIP (OR TOWN OR CITY)

SEPTEMBER 8, 1914

INSTRUCTIONS TO VOTERS: Place a Cross (X) etc. (See Sec. 14, par. 3.)

## PROGRESSIVE PARTY

U. S. Senator	Vote for One
JOHN DOE.....	
RICHARD ROE .....	

*Sample Ballots To Be on Yellow Paper—Submitted to County Chairman—County Clerk to Correct Errors on Ballot—City Clerk's Duties in Municipal Primary.*

SEC. 15. At least twenty days before the September primary election each city clerk or county clerk in any city or county shall prepare sample ballots for such election, placing thereon alphabetically, according to surnames under the appropriate title of each office the same as hereinbefore described for the official ballot, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on yellow paper, and be conspicuously marked with the words "Sample Ballot."

Such clerk shall forthwith submit a copy of said ballot to the chairman of the county committee of each political party represented on such ballot and shall mail a copy to each candidate for whom a nomination paper has been filed with him, or whose name has been certified to him by the secretary of state, to the postoffice address as given in such nomination paper or certification, and shall post a copy of said sample ballot in a conspicuous place in his office, and such clerk shall print for general distribution one sample ballot for each voter in each precinct, and shall distribute said sample ballots not less than ten days before said primary election by sending said sample ballots to the registration agent or agents of the several precincts for distribution.

On the tenth day before such primary election the county clerk shall correct any errors or omissions in the ballot, causing same to be printed as in this act provided, and to be distributed as provided by law, except that the number of ballots to be furnished to each voting precinct shall be apportioned at the ratio of one hundred and fifty such ballots for each one hundred voters registered in each precinct for each primary election.

In the case of primary elections for the nominations of candidates for city offices it shall be the duty of the city clerk or secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing official ballots used at elections in such city or municipality, to prepare and distribute the sample and official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices; *provided*, that the lists of candidates shall be posted and published at least ten days prior to such primary election and the official ballots printed at least four days before the day of holding such primary election.



*Primary Election Officers.*

SEC. 16. The officers of primary elections shall be the same as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections. It shall be the duty of the proper officers to furnish certified copies of the official register, together with the check-list for election district, to one of the inspectors of election as now provided by law.

*Regular Election Laws to Govern—Fees of Registry Agent.*

SEC. 17. That the qualifications and regulations of voters at primary elections shall be subject to the same tests and governed by the same provisions of law and rules and regulations as are now prescribed by law for other elections, and the same officers who prepare and furnish registers for general elections shall prepare and furnish them for use at primary elections, and it shall be the duty of the proper officers to furnish a certified copy of the register and supplements thereto, for use at primary elections, which said register shall show the names of all voters entitled to vote at such elections. Said register shall be made by taking the names of all voters on the register used at the last general election in the city, town or county, together with supplemental registers or additions showing all additional registrations, changes and corrections made since the last general registration. The supplemental registers to be made as follows: All persons entitled to register or vote at any primary election in any town, city or county whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary elections, and for that purpose it shall be the duty of the officer charged with the registration of voters of such town, city or county to keep his office open for at least fifty days prior to fifteen days immediately preceding such primary election, and to register all voters entitled to vote at such primary election. Said registry agent shall be paid a reasonable sum for copying the names from one register to another, the amount to be fixed by the county commissioners of the county; for all new names he shall be paid as now allowed by law.

SEC. 18. Any elector desiring to vote at any primary election shall give his name and address to the ballot clerk who shall immediately announce the same, but no ballot shall be delivered to any elector except such as has the right to vote as herein provided; such elector's right to vote may be challenged by any elector upon any of the grounds now allowed by law for a challenge of a right to vote at any general election, and upon the additional grounds that such elector has not registered, or his name does not appear upon the register as required by law, or that he does not belong to the political party designated upon the register, or that the

register does not show that he designated his politics or the political party to which he belongs. All challenges shall be disposed of in the same manner as provided by law for general elections. The voter shall be instructed, if necessary, by a member of the board as to the proper method of marking and folding his ballots and he shall then retire to an unoccupied booth and without delay stamp the same with a rubber stamp provided for that purpose. If he shall spoil or deface a ballot, he shall at once return the same to the ballot clerk who shall cancel the same and deliver to him another ballot.

No elector shall be entitled to vote at primary elections unless he has heretofore designated to the registry agents his politics or political party to which he belongs and has caused to be entered upon the register by such registry agents his politics or the political party to which he belongs. The provisions of this section shall apply to all registrations required by law.

*When Ballot Void—Manner of Marking Ballot—Ballot Not Rejected for Technical Error.*

SEC. 19. a. The voter shall designate his choice on the ballot of candidates of his party by stamping a cross (X) in the small square opposite the name of each candidate for whom he desires to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it is impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted.

No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice for candidates of his party, nor even though such ballot be somewhat soiled or defaced.

*Deposit of Ballot.*

SEC. 20. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to a member of the board in charge of the ballot-box. Such folded ballot shall be placed in the ballot-box in the presence of the voter, and the name of the voter checked upon the register as having voted.

*Polls Open Continuously—Proviso.*

SEC. 21. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling-place.

*Canvass, How Conducted.*

SEC. 22. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed, and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by law.

The number of ballots agreeing or being made to agree with the number of names on the lists, as now provided by law, the board must take the ballots from the box and count all the votes cast for each party candidate for the several offices and record the same on separate tally-lists for each party.

*County Commissioners to Canvass Primary Returns—Duties of County Clerk and Secretary of State.*

SEC. 23. The board of county commissioners of each county, or in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the votes at any city or municipal election in such political subdivision, shall meet at the usual place at 1 o'clock in the afternoon of the first Friday after such primary election to canvass the returns.

If, at any time of meeting, the returns from each precinct in the county, city and county, or other political subdivision in which polls were open have been received, the board must then and there proceed to canvass the returns; but if all these returns have not been received the board may adjourn to 1 o'clock in the afternoon of the following Monday, when the canvass shall begin and be continued until completed, which shall not be later than 6 o'clock of the afternoon of the tenth day following such primary election.

The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party, and a duplicate as to each political party shall be delivered to the county, city and county, or city chairman of each political party as the case may be.

The clerk shall also make an additional duplicate statement in the same form, showing the votes for each candidate not voted for wholly within the limits of such county, or city and county. The county clerk in any county shall forthwith send to the secretary of state by registered mail one complete copy of all returns as to such candidates and as to all candidates for the state assembly, state senate, representatives in congress, and judicial offices, except justices of the peace.

The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county

or other political subdivision in which such primary election was held.

The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in Congress and judicial officers, except justices of the peace, and shall make out and file in his office a statement thereof.

*Certificate of Nomination, How Issued—Secretary of State to Issue Nomination Certificates for State and National Offices, and Complete Returns for U. S. Senator.*

SEC. 24. The person receiving the highest number of votes at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election.

It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county, or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality; and cause to be issued to such county committeeman a certificate of his election.

It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under provisions of this act for representative in congress and officers voted for in more than one county.

It shall also be the duty of the secretary of state to compile the returns for United States senator in congress, if any, and prepare a statement thereof. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the secretary of state to transmit duplicates of such statements to the speaker of the assembly and to the president of the senate on the first day of the next ensuing session of the legislature, together with his official certificates of nomination for the candidates for United States senator in congress who received the highest number of votes cast by their respective party at the primary election.

*County Platform and Selection of State Central Committees.*

SEC. 25. On the second Tuesday after any September primary election at the hour of 2 p. m., all the candidates of each political party to be voted for wholly within any county (including state senators and assemblymen) shall meet at the courthouse at the county-seat of such county and there organize, and adopt a county party platform and elect a county committee to consist of not less than one nor more than three electors for each voting precinct, but each pre-

cinct shall be represented by the same number of committeemen; such county committeemen shall hold office for the term of two years and until their successors are elected. A vacancy in such committee may be filled by the remaining members.

State central committees shall be elected as hereinafter provided; each such committee may select an executive committee and shall choose its officers by ballot and each committee and its officers shall have the powers usually exercised by said committees and the officers thereof in so far as may be consistent with this act.

The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

*State Platforms, How Formulated—Proxies—State Central Committees.*

SEC. 26. In the years when a governor and other state officers are to be elected the candidates for state officers and for senate and assembly nominated by each political party whose term of office extends beyond the first Monday in January of the year next ensuing shall meet at the state capital at 2 o'clock in the afternoon on the fourth Tuesday of September after the date on which any primary election is held preliminary to such general state election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than 6 o'clock in the afternoon of the following Thursday.

Members of such conventions may be represented thereat by proxy duly executed, but no person other than a member shall act as proxy for a member.

It shall also proceed to elect a state central committee, to consist of at least one and not more than three members from each county, who shall hold office until a new state central committee shall have been elected. In years when a state convention assembles to select delegates to a national convention, to nominate a candidate for president and for vice-president of the United States, such state convention shall have the power to formulate their party platform and to select such new state central committee, which shall consist of at least one member from each county, which committee shall hold and exercise its powers until the candidates for state offices and for senate and assembly to be voted for at the next ensuing state election shall assemble and select their successors. Such state central committee shall meet and organize at a time and place to be designated by the body selecting such state central committee, and such committee may then and thereafter select an executive committee.

*Vacancies, How Filled.*

SEC. 27. Vacancies occurring after the holding of any primary election shall be filled by the party committee of the city, county, city and county, district or state, as the case may be.

*Tie Votes, How Decided.*

SEC. 28. In the case of a tie vote, if for an office to be voted for wholly within one county, or city and county, the county, city and county, and city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates.

*Errors or Omissions, How Corrected.*

SEC. 29. Whenever it shall be made to appear by affidavit to any justice of the supreme court or judge of the district court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such a ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of votes in any city or county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such justice of the supreme court or judge of the district court shall order the officer or person charged with such error, wrong or neglect[ed] to forthwith correct the error, desist from the wrongful act or perform the duty or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such justice of the supreme court or judge of the district court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

*Contested Nomination, How Proceeded With.*

SEC. 30. Any candidate at a primary election desiring to contest the nomination of another candidate for the same office may proceed within five days after the completion of the canvass as provided in section 23 of this act. And the contestee shall be required by the order of such justice of the supreme court or judge of the district court to appear and abide the further order of the court.

*Neglect or Misfeasance of Filing Office Punished—General Law to Govern Primaries.*

SEC. 31. Any officer in whose office any nomination paper has been properly filed who shall wrongfully either suppress,

neglect or fail to cause the filing thereof to be noted at the proper time and in the proper place, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

#### CHAPTER 4—GENERAL ELECTIONS

##### *General Elections, When Held.*

SECTION 1. A general election shall be held in the several election precincts in this state, on the Tuesday next after the first Monday of November, one thousand nine hundred and fourteen, and every two years thereafter, at which there shall be chosen all such officers as are by law to be elected in such year, unless otherwise provided for.

##### *Duties of County Commissioners—Precinct Established, How and When—Number of Voters in Precinct.*

SEC. 2. It shall be the duty of boards of county commissioners to establish election precincts and define the boundaries thereof, and to alter, consolidate and abolish the same as public convenience or necessity may require; *provided,*

First—That no new precinct shall be established except upon the petition of ten or more qualified electors, permanently residing in the district sought to be established, showing that they reside more than ten miles from any polling place in said county, unless it shall appear to the satisfaction of said board that not less than fifty qualified electors reside in said precinct, in which event said precinct may be established without regard to the distance which said electors reside from another polling place or precinct.

Second—That no election shall be held in any precinct in which there shall not be at least ten qualified electors, permanently residing therein at the time notice of holding election therein shall be given.

Third—All qualified electors residing in any election precinct in which there are less than ten qualified electors permanently residing at the time notice of holding elections are given, shall be entitled to register and vote in the election precinct having a polling place nearest their residence, by the usual traveled route.

Fourth—That no election precinct shall be established or election held at any place in any precinct within one mile of another voting place in the same county, unless there shall have been polled, at the said voting place, at the next preceding general election, not less than fifty votes.

The several boards of county commissioners in the counties of this state in providing for and proclaiming election precincts shall so arrange and divide the voting places in the respective counties so that no greater number than four hundred voters shall vote in one precinct.

It shall be the duty of said boards of county commissioners, at their first regular meeting in July preceding each general election (and fifteen days preceding each special election), to appoint three capable and discreet persons, possessing the qualifications of electors (who shall not be of the same political party), to act as inspectors of election at each election precinct; and the clerk of said board shall forthwith make and deliver to said inspectors personally, notice thereof in writing, or deposit the same in the post-office, registered, and postage prepaid, directed to the registry agent of the precinct for which each of said inspectors is appointed, and it shall be the duty of said registry agents, within ten days after the receipt thereof, to serve the same upon each of said inspectors of election.

*Sheriff to Deliver Poll-Books and Other Supplies to Inspector.*

SEC. 3. It shall be the duty of the board of county commissioners to cause their clerks to furnish the sheriff with poll-books and all other supplies required to be provided by said board of inspectors and clerks of election, and the clerk shall at the same time deliver to the sheriff the ballot boxes and keys, the official ballots, the sample ballots and printed instructions all together to one of the inspectors of every election precinct in the county, at least one day before the time of holding any election.

*Duties of Inspectors of Election—Penalty for Neglect.*

SEC. 4. If in any precinct any of such inspectors are unwilling to serve as inspectors they shall notify the board of county commissioners thereof, within five days after the receipt of the notice of their appointment, who shall immediately appoint some suitable person to fill the vacancy and to serve at such election. A failure to notify the board of county commissioners of any unwillingness to serve as inspector, as herein provided, shall subject the person to a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered by said board of county commissioners, for the use of the county, before any justice of the peace of such county. If, through any accident, sickness or inability on the day of election, of such inspectors, or any one thereof, to serve, the inspector or inspectors



present on the morning of the election may appoint some suitable person to fill the vacancy.

*Duties of Inspectors of Election.*

SEC. 5. The said inspectors shall choose two persons having similar qualifications with themselves to act as clerks of the election. The said inspectors shall be and continue inspectors of all elections of civil officers to be held in their respective precinct, until other inspectors shall be appointed as hereinbefore directed; and the said clerks of election may continue to act as such during the pleasure of the inspectors of election.

*Election Officers To Be Sworn.*

SEC. 6. Previous to votes being taken, the inspectors and clerks of election shall, severally, take the prescribed official oath, and, in addition thereto, an oath or affirmation in the following form, to wit:

I, A. B., do solemnly swear (or affirm), as the case may be, that I will perform the duties of inspector (or clerk, as the case may be) of the election to be held this day, according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in any manner, in conducting the same. So help me God (or if an affirmation under the pains and penalties of perjury).

*Who May Administer Oaths.*

SEC. 7. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed inspector or clerk of the election, they are hereby empowered to administer the oath or affirmation to each other, and to the clerks of the election, and the person administering the oath or affirmation shall cause an entry thereof to be made and subscribed by him in the poll-books.

*Opening and Closing Polls.*

SEC. 8. At all elections to be held under this act, the polls shall be open at the hour of 8 o'clock in the forenoon, and continue open until 6 o'clock in the afternoon of the same day, at which time the polls shall be closed; *provided*, whenever at any election all the votes of the precinct as shown by the registry list, shall have been cast, the inspectors shall immediately close the polls and shall forthwith begin the counting of the ballots, and continue the same without unnecessary delay until the count is completed. Upon opening the polls, one of the clerks, under the direction of the inspectors, shall make proclamation of the same, and thirty minutes before closing of the polls, proclamation shall be made in like manner that the polls will be closed in half an hour; *provided further*, if at the hour of closing there are any voters in the polling place, or in line at the door, who

are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after 6 o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of election.

*Ballot Boxes Furnished.*

SEC. 9. There shall be provided and kept by the county commissioners of each county, at the expense of the county, a suitable ballot box, with a lock and key, for each precinct, and they shall furnish the same to the inspectors of each election precinct or district within their county.

*Ballot Boxes To Be Examined.*

SEC. 10. There shall be an opening through the lid of each box of no larger size than shall be sufficient to admit a single folded ballot. Before opening the polls, the ballot box shall be carefully examined by the inspectors of election, that nothing may remain therein; it shall then be locked and the key thereof delivered to one of the inspectors, to be designated by the majority thereof, and shall not be opened during the election, except in the manner and for the purpose hereinafter mentioned.

*Duties of Officers of Election.*

SEC. 11. It shall be the duty of the inspectors of election, at each poll, at every election, to have before them a certified copy of the register of voters of the precinct or district for which they are the inspectors provided by law; and the inspector to whom any ticket may be delivered shall, upon receipt thereof, pronounce with an audible voice the name of the person offering to vote, and another one of the inspectors shall examine the certified copy of the register, and if the name of the person is found thereon, his ticket shall immediately be put in the ballot box without being inspected, if it be a folded ballot. The name of the elector shall then be checked on the certified copy of the register, and the clerks of election shall enter his name and number in the poll-book. No person shall be permitted to vote whose name is not on the register, and who shall refuse to comply with the requirements of section ..... of this act. Said register shall be [open] to said inspectors of election conclusive evidence of the right of the person to vote whose name appears upon the same; *provided*, that said inspectors of election may require any person to give true answers under oath or affirmation to all such questions as they may desire to ask touching the identity of the person with the name in or under which he may wish to vote; *provided*, that in all cases said ballots shall be printed on a good quality of white book paper.

*Legality of Ballot.*

SEC. 12. Whenever a question arises in the board as to the legality of a ballot, or any part thereof, and the board decide in favor of the legality, such action shall be taken as in the case of a rejected ballot.

*Prohibition Under Penalty.*

SEC. 13. Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

*County Commissioners to Determine Number of Deputy Sheriffs to Serve at Election.*

SEC. 14. It shall be the duty of the board of county commissioners of the several counties of the state to determine the number of special deputy sheriffs to be appointed by the sheriff of the several counties to serve at each election precinct, for the purpose of preserving order and making arrests, to be paid as other fees.

*Who May Challenge—Oath of Elector on Challenge.*

SEC. 15. A person offering to vote may be orally challenged by any elector of the precinct, upon the ground that he is not the person entitled to vote as claimed, or has voted before on the same day, in which the inspector or one of the judges shall tender him the following oath: "You do swear (or affirm) that you are the person whose name is entered upon the registry list of this precinct." In case such person refuse to take the oath so tendered, he shall not be allowed to vote, and the clerks of the election shall write the word "Challenged" opposite the name of each person challenged upon the register.

*Vote Canvassed, How.*

SEC. 16. As soon as the polls of election shall be finally closed the inspectors shall immediately proceed to canvass the vote given at such election; and the canvass shall be made public and continue without adjournment until completed.

*Vote Canvassed, When.*

SEC. 17. The canvass shall commence by a comparison of the poll-lists from the commencement, and a correction of any mistake that may be found therein, until they shall be found to agree. The box shall then be opened and the ballots contained therein taken out and counted by the inspectors, and opened so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, on comparison of the count with the poll-lists and the appearance of such ballots, a majority of the

inspectors shall be of the opinion that the ballots thus folded together were voted by one elector, they shall be rejected, and carefully sealed up in an envelope, upon which shall be written the reason for their rejection, and shall be signed by the inspectors, and placed back in the ballot box, to be retained with the other ballots, as provided in section ....., of this act.

*Ballot Box, How Purged.*

SEC. 18. If the ballots in the box shall be found to exceed in number the whole number of votes on the poll-lists, they shall be replaced in the box, after being purged as above, and one of the inspectors, with his back turned to the box, shall publicly draw out and destroy therefrom so many ballots, unopened, as shall equal the excess.

*Duties of the Clerks of Elections.*

SEC. 19. The ballots and poll-lists agreeing, or being made to agree, the board shall then proceed to count and ascertain the number of votes cast, and for whom cast, and when completed the clerks shall set down in their poll-books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in writing at full length, and also in figures; such entry to be made, as nearly as the circumstances will admit, in the following form, to wit:

At an election held at the house of A. B., in the town (or precinct) of ....., in the county of ....., and the State of Nevada, on the ..... day of ....., A. D. ....., the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

A. B. had ..... votes for member of congress.

C. D. had ..... votes for state treasurer.

E. F. had .....votes for state controller.

G. H. had ..... votes for state superintendent of public instruction.

I. J. had ..... votes for member of state senate.

K. L. had ..... votes for member of the assembly.

(And in like manner for any person voted for.) Certified by us:

M. N.,

O. P.,

Q. R.,

*Inspectors of Election.*

Attest:

A. B.,

C. D.,

*Clerks of Election.*

*Disposition of Ballots After Canvass—Disposition of Returns and Ballot Box.*

SEC. 20. The inspectors shall file the ballots on a string, inclose and seal the same, together with one of the tally lists

and one of the poll-books, under cover, directed to the clerk of the board of county commissioners of the county in which such election was held, or such other officer as is herein provided, indorsed "Election Returns"; *provided*, that if said clerk of the board of county commissioners, as county clerk, or any one of the following-named county officers was voted for office at the last election, he shall not be the custodian of such election returns; but such returns shall be directed and delivered to the county officer who was not a candidate and voted for office in the following order: Second—The county recorder. Third—The county treasurer. Fourth—The county assessor. Fifth—The chairman of the board of county commissioners. Sixth—One of the county commissioners. And said custodian shall comply with the provisions of section 21 of this act. The packet thus sealed shall be conveyed by one of the inspectors or clerks of election, to be determined by lot, if they cannot otherwise agree, or by some person to be agreed upon by the inspectors, and delivered to said clerk of the board of county commissioners, or the county officer as herein provided, at his office within ten days from the close of the polls. The poll-book, tally list, certified copy of register, ballot box and ballots thus enclosed and sealed shall, after the canvass of the votes by the board of county commissioners, be deposited in the office of the board of county commissioners, and preserved until the next general election. The other poll-books and tally lists shall be deposited with one of the inspectors of election, to be determined by lot, if not otherwise determined, agreed upon, and said poll-book or tally list deposited with the board of county commissioners, shall be subject to the inspection of any elector, at any time thereafter, who may wish to examine the same; *provided, however*, that the ballots so deposited with the board of county commissioners shall not be subject to the inspection of any one, except in cases of contested elections, and then only by the judge, body or board before whom such election is being contested.

*Duties of Inspectors of Election.*

SEC. 21. At every election hereafter to be held in this state, in precincts which are by the usually traveled route more than fifty miles distant from the county-seat, and wherein less than fifty voters shall be registered for that election, the inspectors shall, before they adjourn, post conspicuously at the polling place a bulletin signed by each of them, stating the number of ballots cast for each candidate and for and against each question which has been voted upon.

*Rejected Ballots Counted on Separate Tally-sheet—To Be Posted.*

SEC. 22. Before the close or final adjournment of any board of election in any voting precinct in this state, the

inspectors shall canvass and count any and all ballots rejected by them, on a separate tally-sheet, in the same manner as legal ballots are now canvassed and counted, and transmit said sheet to the board of county commissioners in the ballot-box, with the other papers and documents, and the result of the vote cast for any and all candidates, and on any and all questions submitted, so far as can be determined, shall be posted immediately thereafter in some conspicuous place on the building in which the election is held, a duplicate copy of which shall be placed in the ballot-box with the other election returns and papers, to the board of county commissioners, and the county clerk shall keep a record of the same.

*Unlawful for Inspector to Put Mark on Ballot—Exception.*

SEC. 23. It shall be unlawful for any clerk or inspector of election to place any mark whatsoever upon any ballot other than a "spoiled" ballot; *provided, however*, that when such clerks or inspectors of election shall reject a ballot for any alleged defect or illegality, it shall be the duty of such inspectors of election to certify over their signatures upon the back of each and every ballot rejected that such ballot or ballots were in fact rejected, and briefly stating their reasons therefor.

*Dispositions of Ballots, Poll-Books and Tally-Lists.*

SEC. 24. They shall also, before they adjourn, seal the ballots in a strong envelope, writing across the back thereof the words, "Ballots (here give the name) precinct," and also sign the names thereon. They shall then place the envelope containing the ballots, together with one of the tally-lists and one of the poll-books, in a sealed package, the weight of which, including the wrapper or box, must be less than the limit of weight allowed to be transmitted by mail. They shall then address the same to the proper officer at the county-seat, stating in writing on the outside of the package the contents thereof, and deliver it to one of their number, to be chosen by lot, who shall immediately, without opening it or permitting it to be opened, deliver it to the nearest postmaster and pay the postage thereon, and have the package registered.

*Expenses, How Paid.*

SEC. 25. The inspector who delivers the package shall be paid the amount expended by him in paying the postage on the package, and fifteen cents per mile for going to and fifteen cents per mile for returning from the postoffice, in the same manner and out of the same fund as other election expenses are paid; *provided*, that no such mileage shall be paid unless the total distance necessarily traveled in going and returning be greater than two miles.

*Custody of Ballots.*

SEC. 26. In cases where this act shall apply, the ballots shall, after they reach the county-seat, be kept in sealed packages by the proper officer, instead of in the ballot-boxes.

*Custody of Ballot-Box.*

SEC. 27. In precincts where this act shall apply, the ballot-box may remain in the custody of the inspectors until the next election, when it shall be turned over to the inspectors of said election, and in such cases the tally-lists, poll-books and other books and papers may be sent in sealed packages by registered mail to one of the inspectors.

*County Commissioners to Canvass—Tie—Recount—New Election, When.*

SEC. 28. On the tenth day (or if that day shall fall on Sunday, then on the Monday following) after the close of any election, or sooner, if all the returns be received, the board of county commissioners shall proceed to open said returns and make abstracts of the votes. Such abstract of votes for member or members of congress shall be on one sheet; the abstract of votes for members of the legislature shall be on one sheet; and the abstract of the votes for district and state officers shall be on one sheet; and the abstract of votes for county and township offices shall be on one sheet. And it shall be the duty of the board of county commissioners to cause a certificate of election to be made out by the respective clerks of said board of county commissioners to each of the persons having the highest number of votes for members of the legislature, district, county and township offices, respectively, and to deliver such certificate to the person entitled to it on his making application to said clerk at his office; *provided*, that when a tie shall exist between two or more persons for the senate or assembly, or any other county, district, or township officer, any of said persons shall have the right to demand of the board of county commissioners a recount of all the ballots cast for them for the office for which they were candidates; *and provided further*, that if after said recount has been had, the vote between them or any of them shall still remain a tie, the board of county commissioners shall order their clerk to give notice to the sheriff of the county, who shall immediately advertise another election, giving at least ten days' notice. And it shall be the duty of the said clerk of said board of county commissioners of said county, on the receipt of the return of any general or special election, to make out his certificate of election; stating therein the compensation to which the inspectors and clerks of election may be entitled by law for their services, and lay the same before the board of county commissioners at their next session; and the said board shall order the compensation aforesaid, if correct, to be paid out of the county treasury.

*Penalty for Malfeasance—Canvass for State Officers.*

SEC. 29. The board of county commissioners, after making the abstract of votes, as provided in section twenty-eight, shall cause their clerk, by an order made and entered in the minutes of their proceedings, to make a copy of said abstract, and forthwith transmit the same to the secretary of state at the seat of government. If the board of county commissioners shall neglect or refuse to make the order, as required by this act, they, and each of them, shall be guilty of a misdemeanor in office, and shall on conviction thereof, be liable to a fine of not less than one hundred dollars, nor more than five hundred dollars, each, and imprisonment in the county jail for not less than ten and not more than one hundred days each, or both such fine and imprisonment, and shall be removed from office. And on the third Monday of December succeeding such election, the chief justice of the supreme court and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, and shall open and canvass the vote for members of congress, district and state officers; and the governor shall grant a certificate of election to and commission the persons having the highest number of votes, and shall also issue proclamations, declaring the election of such persons. But in case there shall be no choice, by reason of any two or more persons having an equal and the highest number of votes for the same office, the senate and assembly shall convene in the assembly chamber, on the second Monday of February, at the next regular session of the legislature after such election, and by joint vote of both houses, elect one of said persons to fill said office; *provided*, when an election for electors of president and vice-president of the United States takes place, the vote thereof shall be canvassed at the same time and in the manner aforesaid.

*Information, How Treated.*

SEC. 30. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such returns what office is intended and who is entitled to such certificate; nor shall any commission be withheld by the governor or board of county commissioners on account of any such defect or informality of any returns made to the office of the secretary of state or to the board of county commissioners.

*Messengers May Be Employed, When and by Whom.*

SEC. 31. If the returns of the election of any county in the state shall not be received at the office of the secretary of state on or before said third Monday of December succeeding such election, the said secretary may forthwith send a messenger to the clerk of the board of county commissioners of such county, whose duty it shall be to furnish said



messenger with a copy of such returns; and the said messenger shall be paid out of the treasury of such county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county. Whenever it shall be necessary, in the opinion of the board of county commissioners, to employ a messenger to convey the returns to the seat of government, and deliver them to the secretary of state, the person performing such service shall also be entitled to receive, as compensation, mileage at the rate of twenty cents per mile, computing the distance from the county-seat to the seat of government by the usual traveled route.

*Duties of County Commissioners.*

SEC. 32. When two or more counties are united in one senatorial, representative or judicial district for the election of any officers, the board of county commissioners of each county shall canvass the votes, according to law, of the voters of their respective counties for said officer or officers; and the commissioners of the county whose initial is the lowest on the alphabet shall transmit to the commissioners of the county of the highest initial a copy of the abstract of the votes for such officer or officers, when the said last commissioners shall make a final abstract and aggregate of said votes, and shall proceed to cause to be issued certificates of election, and otherwise to act as is provided in this and the two preceding sections.

*Duties of County Clerks in Transmitting Returns.*

SEC. 33. Whenever the returns are required to be transmitted by one clerk of the board of county commissioners to the secretary of state, it shall be the duty of such clerk, if not otherwise directed by the board of county commissioners to deliver the same to some postmaster of the county, at the postoffice, to be transmitted by mail, taking from such postmaster, if it can be obtained, a certificate setting forth the time when such reports were deposited in the postoffice, which certificate the clerk shall file in his office. If the clerk of the board of county commissioners should neglect or refuse to make out and transmit the returns or abstract, as required by this act, he shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars, or more than five hundred dollars, and imprisoned in the county jail for not less than one month, or more than six months, or both such fine and imprisonment, in the discretion of the court, and shall be removed from office.

*Per Diem of Inspector and Clerk of Election—Mileage of Messenger.*

SEC. 34. There shall be allowed out of the county treasury of such county to each inspector and each clerk of election five dollars per diem, but in no case to exceed twenty

dollars for all services required by law to be performed by each of them at any one election. And to the person carrying the poll-books from the place of election to the clerk's office, and to the clerk of the board of county commissioners for attending at another county to canvass votes, the sum of fifteen cents per mile for going and fifteen cents per mile for returning, to be paid out of the county treasury.

*Who May Contest an Election.*

SEC. 35. Any elector of the proper county may contest the right of any person declared duly elected to an office exercised in and for such county; and also, any elector of a township may contest the right of any person declared duly elected to any office in and for such township, for any of the following causes: First—For malconduct on the part of the board of inspectors, or any member thereof. Second—When the person whose right to the office is contested was not at the time of election eligible to such office.

*Irregularity of Returns.*

SEC. 36. When any election, held for an office exercised in and for a county, is contested on account of any malconduct on the part of the board of inspectors of any precinct, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct shall change the result as to such office in the remaining vote in the county.

*Contest Instituted, How.*

SEC. 37. When any elector shall choose to contest the right of any person declared duly elected to such office, he shall, within forty days thereafter, file with the clerk of the district court a written statement, setting forth specifically: First—The name of the party contesting such election, and that he is a qualified elector of the district, county or precinct (as the case may be) in which such election was held. Second—The name of the person whose right to the office is contested. Third—The office. Fourth—The particular cause or causes of such contests. Said statement shall be verified by the affidavit of the contesting party that the matters and things therein contained are true, to the best of his knowledge and belief.

*Proceedings in Contests—District Court to Decide.*

SEC. 38. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specific precinct or precincts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of illegal votes unless the party contesting such election shall deliver to the opposite party, at least three days before such trial,

a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no testimony shall be received of any illegal votes except such as are specified in such list; *provided*, that in all cases of contested elections the district court of the respective districts shall have original jurisdiction to try and determine all such cases, and may, by mandamus or otherwise, obtain all documentary evidence required by either of the parties litigant.

*Strict Form Not Essential.*

SEC. 39. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed, by any court before which such contest may be brought for trial, for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or causes for which such election is contested.

*Duties of Clerk of District Court.*

SEC. 40. Upon such statement being filed, it shall be the duty of the clerk of the district court to inform the judge thereof, who shall fix the time and place to hear and determine such contested election; and the clerk shall give notice thereof, not less than ten nor more than twenty days from the date of such notice to the parties contesting, which said notice shall be served by the sheriff of the county upon the respective parties, as in other cases.

*Process.*

SEC. 41. The said clerk shall issue subpoenas and subpoenas *duces tecum*, as in civil actions of law, for witnesses in such contested election at the request of either party, which shall be served by the sheriff as other subpoenas; and the district court shall have full power to issue attachments to compel the attendance of witnesses who shall fail to attend, who shall have been duly subpoenaed.

*Duties of Clerk of District Court.*

SEC. 42. Upon the certified copy of a judgment of the district court, or a certified copy of the judgment of the supreme court, as the case may be, the clerk of the board of county commissioners shall issue a certificate to the person declared to be entitled to such certificate of election.

*Fees of County Officers.*

SEC. 43. The clerk, sheriff and witnesses shall receive respectively, the same fees from the party against whom the judgment is given as are allowed for similar services in the district court.

*Effect of Judgment of Court.*

SEC. 44. Whenever an election shall be annulled and set aside by the judgment of the district court, and no appeal has been taken therefrom within thirty days, such certificate,

if any has been issued, shall thereby be rendered void and the office become vacant.

*Contest To Be Tried, Where.*

SEC. 45. In case of any contest in regard to any election to fill the office of district judge, such contest shall be tried in like manner before the district court of the district nearest adjoining thereto.

*Who May Bring Action.*

SEC. 46. Any such action may be brought by the district attorney, in the name of the State of Nevada, upon his own information or upon the complaint of any private party, against any person who unlawfully holds any public office within the state; and it shall be the duty of the district attorney to bring such action whenever he has reason to believe that any such office is unlawfully held or exercised by any person, or when he is directed to do so by the governor.

*Duties of District Attorney—Order of Court.*

SEC. 47. Whenever such action is brought the district attorney, in addition to the statement and cause of action, may also set forth in the complaint the name of the person rightly entitled to the office or franchise, with a statement of his right thereto; and in such case, upon proof by affidavit or otherwise, that the defendant has received fees or emoluments belonging to the office or franchise, by means of his usurpation thereof, an order may be granted by a judge of the supreme court, or a district judge, for the arrest of such defendant, and holding him to bail; and thereupon he may be arrested and held to bail in the same manner and with the same effect, and subject to the same rights and liabilities as in other civil actions where the defendant is subject to arrest.

*Damages May Be Recovered.*

SEC. 48. If the judgment be rendered upon the right of the person so alleged to be entitled in favor of such person, he may recover, by action, the damages which he shall have sustained by reason of the usurpation of the office or franchise by the defendant.

*One Action, When.*

SEC. 49. When several persons claim to be entitled or elected to the same office one action may be brought by or against all such persons, in order to try their respective rights to such office.

CONTEST FOR THE MEMBERS OF THE LEGISLATURE

*How Conducted.*

SEC. 50. In case of contest for senator or assemblyman in any county in this state, the party contesting shall file a statement in the office of the county clerk of the county in which such senator or assemblyman may be a resident, a

concise statement of the grounds upon which he intends to rely, which statement shall be verified by affidavit; and it shall be the duty of the clerk to issue a commission, directed to a justice of the peace of such county, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the filing of such papers, for the purpose of taking the deposition of such witnesses as the parties to such contest may wish to examine, and notice shall be served upon the person whose right to such office is contested, by the sheriff of the county, the same as provided for by law in like cases.

*Powers of Justice of the Peace.*

SEC. 51. Said justice of the peace shall have power at any time to issue subpoenas for witnesses at the request of either party, to be served by the sheriff as other subpoenas; and said justice shall have the same power to issue attachments and assess fines against witnesses as is given to justices of the peace in other trials instituted before him; and all testimony taken before him during such proceeding shall be in writing, and shall be certified to and forwarded by mail or express, or delivered to the clerk of the county.

*County Clerk to Seal and Deliver all Papers to Secretary of State.*

SEC. 52. It shall be the duty of said clerk to seal up such depositions, together with the original statement of the grounds of such contest, and a copy of the notice served upon the party whose right is contested, and the commission issued to the justice of the peace, and transmit the same by mail to the secretary of state, indorsing thereon the names of the contesting parties and the branch of the legislature before which such contest is to be tried.

*Secretary of State to Deliver Papers.*

SEC. 53. It shall be the duty of the secretary of state to deliver the same, unopened, to the presiding officer of the house in which such contest is to be tried, on or before the second day after the organization of the legislature next after taking such depositions; and such presiding officer shall immediately give notice to said house that said papers are in his possession.

*Depositions May Be Taken, When and How.*

SEC. 54. At any time after notice of any contest shall be given, and before the trial of such contested election before the proper branch of the legislature, it may be lawful for either party to such contest to take depositions, to be read on the trial thereof in like manner and under the same rules as are allowed and required in cases of depositions to be read on any trial pending in the district court; and such depositions, when thus taken, shall be sealed up by the officer taking the same and directed to the secretary of state, who shall

keep the same, unopened, and deliver them to the presiding officer of the house in which such contest is to be tried, to be disposed of by such officer as the depositions specified in the preceding sections.

*When Contest May Be Commenced for State Officers.*

SEC. 55. Proceedings to contest the election of any state officer must be begun within sixty days after the evidence becomes available upon which the contest is based.

*For Other Officers.*

SEC. 56. Proceedings to contest the election of any county officer, or any officer other than a state officer, must be begun within forty days after the evidence becomes available upon which such contest is based.

*When Time Begins to Run.*

SEC. 57. Delays arising from any cause tending to prevent the obtaining of evidence upon which a contest is brought shall not cause such contest to fail, but the time provided in this act shall begin to run only from the day when such evidence may be freely available to the person contesting the election of another, and from and after the passage of this act.

*When Demand for Recount Must Be Made.*

SEC. 58. Demands for recounts must be made within sixty days from the day of election, or after the passage of this act if the recount is to be had of votes cast at the last general election, preceding the passage of this act.

FOR CONTESTING ELECTION OF STATE OFFICERS

*How Instituted.*

SEC. 59. Any qualified elector of the state may contest the election of any person declared duly elected to any state office within this state by filing a specification of the grounds of such contest with the clerk of the supreme court, which specification shall be verified by oath or affirmation, and it is hereby made the duty of the attorney-general to prosecute such action in the name of the people of the state, before the supreme court, who shall have original jurisdiction in such cases; the justices, or any of them, shall have power to issue such process as may be necessary to the complete hearing and final determination of such action.

*Penalty for Malfeasance in Office.*

SEC. 60. If any person now holding or who shall hereafter hold any office in this state, who shall refuse or neglect to perform any official act in the manner and form as now prescribed by law, or who shall be guilty of any malpractice or malfeasance in office, shall be removed therefrom as herein prescribed.

*Summary Proceeding on Complaint—Officers Deposed, How.*

SEC. 61. Whenever any complaint in writing, duly verified by the oath of any complainant, shall be presented to

the district court alleging that any officer within the jurisdiction of said court has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in his office, or has refused or neglected to perform the official duties pertaining to his office as prescribed by law, or has been guilty of any malpractice or malfeasance in office, it shall be the duty of the court to cite the party charged to appear before him on a certain day, not more than ten nor less than five days from the time when said complaint shall be presented, and on that day, or some subsequent day not more than twenty days from that on which said complaint is presented, shall proceed to hear, in a summary manner, the complaint and evidence offered by the party complained of, and if, on such hearing, it shall appear that the charge or charges of said complaint are sustained, the court shall enter a decree that said party complained of shall be deprived of his office, and shall enter a judgment of five hundred dollars in favor of the complainant, and such costs as are allowed in civil cases.

*Duties of Clerk of Court.*

SEC. 62. It shall be the duty of the clerk of the court in which such proceedings are had, to transmit, within three days thereafter, to the governor of the state, or board of county commissioners (as the case may be) of the proper county, a copy of any decree or judgment declaring any officer deprived of any office under this act; and it shall be the duty of the governor or such board of county commissioners (as the case may be) to appoint and select some person to fill said office until a successor shall be selected or appointed and qualified; and it shall be the duty of the person so appointed to give such bond and security as are prescribed for by law and pertaining to such office.

*Officers Not to Hold Office Pending Appeal.*

SEC. 63. In case judgment of the district court, as herein provided, shall be against the officer complained of, and an appeal taken from the judgment so rendered, the officer so appealing shall not hold the office during the pending of such appeal; but such office shall be filled as in case of vacancy.

BY CRIMINAL ACTION

*Officers, How Accused Before Grand Jury.*

SEC. 64. An accusation, in writing, against any district, county or township officer, for wilful misconduct in office, may be presented by the grand jury of the county for which such officer accused is elected or appointed, which accusation shall state the offense charged, and shall be delivered by the foreman of the grand jury to the district attorney of the county, who shall cause a copy thereof to be served upon the defendant, and require by notice, in writing, of not less than ten days, that he appear before the district court, then

sitting, or at the next term, and answer the accusation. The original accusation shall then be filed with the clerk of the district court.

*Default May Be Taken Against the Accused.*

SEC. 65. The defendant must appear at the time appointed in the notice, and answer the accusation, unless for some sufficient cause the court assigns another day for that purpose. If he do not appear the court may proceed to hear and determine the accusation in his absence.

*May Defend, How.*

SEC. 66. The defendant may answer the accusation, either by objecting to the sufficiency thereof or to any allegation therein, or by denying the truth of the same.

SEC. 67. If he objects to the legal sufficiency of the accusation, the objection must be in writing, but need not be in any specific form, it being sufficient if it present intelligently the ground of the objection.

SEC. 68. If he denies the truth of the accusation, the denial may be oral and without oath, and shall be entered upon the minutes.

SEC. 69. If any objection to the sufficiency of the accusation be not sustained, the defendant shall be required to answer the accusation forthwith.

*On Plea of Guilty, Duties of District Court.*

SEC. 70. If the defendant plead guilty, and refuse to answer the accusation, the court shall render judgment of conviction against him. If he deny the matter charged, the court shall immediately, or as soon thereafter as practicable, proceed to try the accused, which trial shall be conducted in all respects and in like manner as trial upon indictment for other offenses.

*Judgment of Court.*

SEC. 71. Upon a conviction, the court shall immediately, or within five days, as it may appoint, pronounce judgment that the defendant be removed from office; but to warrant a removal, the judgment must be entered upon the minutes, assigning thereon the cause of removal.

*Appeal May Be Taken.*

SEC. 72. From a judgment of removal an appeal may be taken to the supreme court, in the same manner as from a judgment in a civil action; but until such judgment be reversed the defendant shall be suspended from his office. Pending the appeal the office may be filled as in case of vacancy.

*District Attorney, How Prosecuted.*

SEC. 73. The same proceedings may be had on like grounds for the removal of a district attorney, except that the accusation shall be delivered to the district judge of the district, who shall thereupon appoint some one to act as a prosecuting



officer in the matter, or shall place the accusation in the hands of the district attorney of the nearest adjoining district, and require him to conduct the proceedings.

#### BY IMPEACHMENT

##### *Proceedings in Case of Impeachment.*

SEC. 74. Where a civil officer of the state is impeached by the assembly for misconduct in office the articles of impeachment shall be delivered to the president of the senate, who shall cause a copy thereof with a notice to appear and answer the same, at the time and place appointed, to be served on the defendant not less than ten days before the day fixed for the hearing.

##### *Service To Be Personal.*

SEC. 75. The service must be upon the defendant personally; or if he cannot, upon diligent inquiry, be found within the state; the senate, upon due proof of the fact, may order that publication be made in such manner as they deem proper, of a notice requiring him to appear at a specified time and place, and answer the articles of impeachment.

##### *Procedure on Failure of Defendant to Appear.*

SEC. 76. If the defendant do not appear, the senate, upon proof of personal service or publication, as provided in the last two proceeding sections, may, of their own motion or for cause shown, assign another day for hearing the impeachment, or may then, or at any other time which they may appoint, proceed, in the absence of the defendant, to trial and judgment.

##### *How a Defendant May Answer.*

SEC. 77. When the defendant appears, he must answer to the articles of impeachment, which he may do either by objecting to the sufficiency of the same, or any article thereof, or denying the truth of the same.

##### *Objections, How Made.*

SEC. 78. If the defendant object to the sufficiency of the impeachment the objection must be in writing, but need not be in any specific form, it being sufficient if it presents intelligibly the grounds of the objection. If he deny the truth of the impeachment, the denial may be oral and without oath and shall be entered upon the journal.

##### *Senate May Give Judgment, When.*

SEC. 79. If he plead guilty or refuse to plead, the senate shall render judgment of conviction against him. If he deny the matter charged, the senate shall, at such time as they may appoint, proceed to try the impeachment. The chief justice of the supreme court shall preside over the senate while sitting to try the governor or lieutenant-governor upon impeachment, and in all other cases the president of the senate.

*Oath Administered, by Whom.*

SEC. 80. At the time and place appointed, before the senate proceed to act on the impeachment, the secretary shall administer to the president of the senate or chief justice (as the case may be) and the president of the senate or chief justice (as the case may be) to each of the members of the senate then present, an oath or affirmation, truly and impartially to hear, try and determine the impeachment.

*Judgment.*

SEC. 81. The judgment may be that the defendant be suspended and removed from office, or that he be removed from office, and disqualified to hold and enjoy a particular office, or class of offices, or any office of honor, trust or profit under the constitution and laws of this state.

*Penalties of Impeachment.*

SEC. 82. If judgment of suspension be given on the votes of two-thirds of the members elected to each branch of the legislature, the defendant shall, during the continuance thereof, be disqualified from receiving the salary, fees or emoluments of the office; and the judge, district attorney, or any state officer complained of, shall be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel in his defense; *provided*, that no member of either branch of the legislature shall be eligible to fill the vacancy occasioned by such removal.

*Suspended From Office, When.*

SEC. 83. When articles of impeachment shall be presented against the president of the senate such officer shall be temporarily suspended from his office, and shall not act in his official capacity until duly acquitted. Upon such suspension of any state officer whose office is created by the constitution or laws of this state, the governor shall immediately take charge of his office, and such office shall at once be temporarily filled by appointment by the governor, until the acquittal of the party impeached, or, in case of his removal, then until the vacancy be filled as provided by law.

*Penalties for Violating Election Law.*

SEC. 84. Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, shall be deemed guilty of a felony, and punishable by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

*Misdemeanor—Penalty.*

SEC. 85. Every person who after being required by the board of judges at any election, refuses to be sworn, or who,

after being sworn, refuses to answer any pertinent question propounded by such board touching his right, or the right of any other person to vote, is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

*Fraud on Ballot Box—Felony—How Punished.*

SEC. 86. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any election, or knowingly hands in two or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add or mix with the ballots lawfully provided, other ballots while the same are being counted or canvassed, or abstracts any ballots lawfully polled at any other time with intent to change the result of such election, or carries away or destroys, or attempts to carry away or destroy any poll list or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully detains, mutilates or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with voters lawfully exercising their right of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, shall be guilty of a felony, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

*Fraudulent Voting—Penalty.*

SEC. 87. Every person not entitled to vote who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who procures, aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

*Misdemeanor to Violate Secrecy of Ballot—Forging Returns a Felony.*

SEC. 88. Every inspector, judge, or clerk of an election who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previous to putting the same into the ballot box, or makes or places any mark or device on any folded ballot, with a view to ascertain the

name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge or clerk has fraudulently or illegally discovered to have voted for by such elector, is punishable by a fine of not less than fifty nor more than five hundred dollars. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town or ward, when no election was in fact held, or wilfully substitutes forged or counterfeit returns of election in place of the true returns of a precinct, town or ward where an election was actually held, is punishable by imprisonment in the state prison for a term of not less than two nor more than ten years.

*Bribery, Intimidation or Menace—Penalty.*

SEC. 89. Every person, who by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes an elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at such election by deceiving and causing such elector to vote for a different person or any office than he intended or desired to vote for, or who, being inspector, judge or clerk of any election, while acting as such, induces or attempts to induce, any elector either by menace or reward, or promise thereof, to vote different from what such elector intended or desired to vote, shall be guilty of a felony, punishable by a fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

*Promoter of Candidates Punished—Penalty.*

SEC. 90. Every person who, with the intent to promote the election of himself, or any other person, either: First—Furnishes entertainment at his expense to any meeting of electors previous to or during an election. Second—Pays for, procures or engages to pay for any such entertainment. Third—Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm. Fourth—Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings, for the discussion of public questions, and of printing and circulating ballots, handbills and other papers

previous to such election, shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months in the county jail.

*Bribery or Attempt to Bribe a Felony.*

SEC. 91. Every person who gives or offers a bribe to any officer or member of any legislature, caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this state, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, shall be guilty of a felony, punishable by a fine not exceeding five thousand dollars, or ten years' imprisonment in the state prison, or both such fine and imprisonment.

*Contingent Promises of Appointment.*

SEC. 92. Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, position or employment as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, or person not being a candidate, who communicates any offer made in violation of this and the preceding section, to any person with intent to induce him to vote for, or to procure aid in procuring the election of the candidate, shall be deemed guilty of a felony, punishable by imprisonment not exceeding five years, or a fine not exceeding five thousand dollars or by both such fine and imprisonment.

*Sale of Liquor Prohibited.*

SEC. 93. No person shall sell, give away or furnish, or cause to be sold, given away or furnished, either for or without pay, within this state, on any day upon which a general election is held, nor within the limits of any county, or city, or on any day upon which any special or municipal election is held therein, any spirituous, malt or fermented liquors or wines; and any one so doing shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and it shall be the duty of the judges of the district courts of the several judicial districts in this state to specially give this act in charge to every grand jury impaneled in their respective districts.

*Duties of Governor—Rewards Offered.*

SEC. 94. The governor is hereby authorized and directed, at least thirty days previous to any general election, and fifteen days previous to any special election, to issue a proclamation offering a reward of one hundred dollars for the

arrest and conviction of any person violating any of the provisions of this act when the crime is a misdemeanor, and a reward of two hundred dollars for the arrest and conviction of any person guilty of a felony, as herein provided; and such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars, payable out of any moneys in the state treasury not otherwise appropriated. And all moneys collected under the provisions of this act shall revert to the general school fund of the several counties where such cases were brought.

*Duties of Secretary of State and County Clerks.*

SEC. 95. It shall be the duty of the secretary of state to cause to be printed in pamphlet form a requisite number of copies of this act, with marginal notes and properly indexed, a suitable number of which shall be forwarded by him to the county clerks of the several counties of this state at least sixty days previous to the holding of any general election, and at least twenty days previous to the holding of any special election; and it is hereby made the duty of said county clerks to enclose in each and every ballot box sent out by them, to be used at the various precincts of their respective counties, five or more copies of said act, as in their judgment they may deem proper.

CHAPTER 5—AUSTRALIAN BALLOT LAW

*Ballots, How Provided.*

SECTION 1. All ballots cast in elections for public officers within this state shall be printed and distributed at public expense, as hereinafter provided. The printing of general tickets and cards of instruction for the electors of each county, and the delivery of the same to the election officers, as provided for in this act, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, and in case of separate elections for city, town or district officers, the printing and delivery of tickets and cards of instruction shall be a charge upon the city, town or district in which said tickets and cards are to be used, the payment of which shall be provided for in the same manner as the payment of other city, county or district expenses.

*Nominations, How Made—Convention Defined.*

SEC. 2. A convention within the meaning of this act is an organized assemblage of delegates representing a political party. Convention shall be held for selection of presidential electors, nomination of delegates to national convention and formulating a platform.

*How Other Nominations May Be Made—Independent Nominations.*

SEC. 3. A candidate for public office may be nominated otherwise than by a primary election in the manner follow-

ing: A certificate of nomination shall be signed by electors residing within the district or political division for which candidates are to be presented equal in number to at least ten per cent of the entire vote cast at the last preceding election in the state, district or political division for which the nomination is to be made; *provided*, that such certificates shall not be valid unless signed by five voters. Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence. One of the signers of each such certificate shall swear that the statements therein made are true, to the best of his knowledge and belief, and a certificate of such oath shall be annexed. Such certificate of nomination shall have the same effect as a nomination made by a primary election. The certificate of nomination herein provided for shall state the name of the party or principle which the person nominated by petition of electors represents but in so doing the name of no political party existing at the last preceding general election shall be used.

*Certificates of Nomination To Be Filed, Where.*

SEC. 4. Certificates of nomination of candidates for offices to be voted for by the electors of the entire state shall be filed with the secretary of state. Certificates of nomination of candidates for all other public offices shall be filed with the clerks of the respective counties wherein the officers are to be voted for, and where a district embraces more than one county, such certificate shall be filed with the clerk of each of said counties.

*Certificates to Embrace, What.*

SEC. 5. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating, under the provisions of section 4 of this act, more than one nominee for each office to be filled, and no person who has voted in a convention either in person or by proxy, for or against a candidate for any office, shall join in nominating, in any manner, any other nominee for that office, and no person shall accept a nomination to more than one office.

*Certificates, When and Where Filed.*

SEC. 6. Certificates of nomination required to be filed with the secretary of state and with the county clerk or clerks, as the case may be, as provided in section 4, chapter 5 of this act, shall be filed not less than ten days prior to the first Tuesday in September of the year in which such elections shall take place.

SEC. 7. The fees for filing certificate of nomination shall be the same as hereinbefore provided for filing nomination papers in primary elections.

*Duties of Secretary of State.*

SEC. 8. Not less than thirty-five days before an election to

fill any public office, the secretary of state shall certify to the county clerk of each county within this state the name of each person, and the name of the office for which he is nominated, as specified in the certificate of nomination filed with him.

*Nominations, How Published.*

SEC. 9. Not less than ten days before an election to fill any public office or offices, the county clerk shall cause to be published all the nominations certified to or filed with him. Said nominations shall be published in a newspaper printed within the county. When no newspaper is printed within the county, the publication shall be made by posting a copy of the ballot in a public place in each election precinct within the county, one of which copies shall be posted at the courthouse door. When publication is made by printing in newspapers, at least two publications by such newspaper shall be required, one of which shall appear in the last regular issue of such paper before election day.

*Secretary of State to Certify Constitutional Amendment to County Clerks—Punishment for Neglect.*

SEC. 10. When any proposed constitution, constitutional amendment or other question is to be submitted to the popular vote, the secretary of state shall, within ninety days before the election at which such constitution, constitutional amendment or question is to be voted upon, certify the same to each county clerk of this state, sending to each of said clerks enough copies of such constitution, constitutional amendments or other questions to supply each inspector of election and enough additional copies to carry out the provisions of this act. And it is hereby made the duty of the county clerks of each county to have posted, ten days before the election, in each election precinct, three copies of said constitution, constitutional amendments or other questions to be voted on, one of which copies shall be posted at the place of holding the polls. If there is a newspaper published in the county, the county clerk shall cause to be published said constitution, constitutional amendment, or other question therein three times; one publication thereof shall be at least thirty days before election; another not less than twenty days; and the other not more than ten days before said election. Any secretary of state or county clerk of this state who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than \$100, nor more than \$500.

*Duties of County Clerk and Secretary in Relation to Ballots.*

SEC. 11. It shall be the duty of the county clerk at least ten days before an election to provide printed ballots for every election for public offices, in which any voters within the county participate, and to cause to be printed in the ballot prescribed herein, the name of each and every candidate



whose name has been certified to, or filed with him as provided in this act. Ballots, other than those printed, as provided in this act, shall not be cast, or counted, in any election. All ballots shall be printed on tinted paper, furnished by the secretary of state. It shall be the duty of the secretary of state to obtain and keep on hand a sufficient supply of such paper for ballots, and at least fifteen days before an election to furnish the same in quantities ordered to any county clerk, and all county clerks are hereby required to notify the said secretary of state at least twenty-five days before an election of the amount of such paper they, and each of them, will require. Said paper shall be water-marked with a design furnished by the secretary of state, in such manner that the said water-mark shall be plainly discernible on the outside of such ballot when properly folded. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of eight years, but at any special or separate local election paper marked with the design used at any previous election may be used.

*Ballot, How Printed, Numbered and Ruled—Specifications as to Type, etc.*

SEC. 12. On each ballot a perforated line shall extend from top to bottom, one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no writing or printing, except the number of the ballot; which shall be upon the back of the strip in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. Where the names of candidates are printed in separate columns, the columns shall be separated by heavy rules, and on all ballots the names of candidates shall be separated by a rule extending to the extreme right of the column. All ballots shall contain the name of each and every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this act, and no other name. The names of the candidates for each office shall be arranged under the designation of the office in alphabetical order, according to the surname, except that the names of candidates for presidential electors shall be arranged in groups as presented in the several certificates of nomination; the political designation of each candidate shall be printed opposite his name. There shall be left at the end of the list of candidates for each office, a blank space to be used only for substituting the names to fill vacancies. There shall be a margin at the right-hand side of the names at least one-half inch wide, so that the voter may clearly indicate in the way hereinafter described the candidate or candidates for

whom he wishes to vote. Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot, in such manner as to enable the electors to vote upon the question in the manner hereinafter provided with a brief statement of the purport of such question. There shall be printed on the ballots opposite the designation of each office such words as will aid the voter to indicate his choice of candidate, such as "vote for one," "vote for three," and the like.

*Number of Ballots and How Bound.*

SEC. 13. All ballots when printed shall be bound in stub-books of five, ten, twenty-five, fifty and one hundred ballots each. A record of the number of ballots printed for them shall be kept by the respective county clerks.

*Number of Ballots per Registered Voter.*

SEC. 14. The county clerk shall provide for each election precinct in the county at least two ballots for each voter registered therein, and not more than five ballots in excess thereof.

*Duties of County Commissioners.*

SEC. 15. Whenever it shall appear, by affidavit, that an error or omission has occurred in the publication of the name or description of any of the candidates nominated, or in the printing of the ballots, any member of the board of county commissioners, upon application by any voter shall issue an order requiring the county clerk to correct such error.

*Duties of Officers on Loss or Destruction of Ballots.*

SEC. 16. Before the opening of the polls, at any election, the county clerk shall cause to be delivered to the board of election of each election precinct in his county the proper number of tickets of the kind to be used in the election precinct. In case of prevention of an election in any precinct by reason of the loss or destruction of the ballots intended for that precinct, or for any other cause, the inspector or other election officer for the precinct shall make an affidavit setting forth the fact and transmit it to the governor of the state. Upon receipt of such affidavit, and upon the application of any candidate for any office to be voted for by the voters of such precinct, the governor shall order a new election in such precinct.

*Clerks of Election, How Selected.*

SEC. 17. At the same time and in the same manner as inspectors and judges of election are now appointed in this state, there shall be appointed two clerks of election, who shall have charge of the ballots on election day, and shall furnish them to the voters in the manner hereinafter provided for. Said clerks of election shall possess the same qualifications and receive the same compensation as inspectors of election. Said clerks shall be selected from the political par-

ties which polled the largest and the next largest votes in the precinct at the last preceding general election.

*Booths and Ballot Box Provided.*

SEC. 18. The board of county commissioners shall provide, at each polling place within the county, a sufficient number of places, booths or compartments, in which voters may conveniently mark their ballots, that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such booths or compartments. The arrangement shall be such that neither the ballot box nor the booths or compartments shall be hidden from the view of those just outside the guard rail. The number of such booths or compartments shall not be less than one for each fifty or fraction of fifty voters registered in the precinct. Each of said booths or compartments shall be kept provided with proper supplies and conveniences for marking ballots. No person, other than voters engaged in receiving, preparing or depositing their ballots, shall be permitted inside said guard rail during the time the polls are open, except by authority of the board of election, and in that case only for the purpose of keeping order and enforcing the law.

*How To Vote.*

SEC. 19. Any person desiring to vote shall give his name and address to one of the clerks of election, who shall announce the same, and if the other clerks shall find the name upon the registry list, he shall repeat the name and address. One ballot shall then be given to the voter, and the number of the said ballot shall be written by one of the clerks of election upon the registry list opposite the name of the voter receiving it.

*Ballot, How Prepared—Marking Done With Stamp.*

SEC. 20. On receiving his ballot the voter shall immediately retire alone to one of the places, booths, or compartments. He shall prepare his ballot by stamping a cross or X in the square, and in no other place, after the name of the person for whom he intends to vote for each office. In case of a constitutional amendment or other question submitted to the voters, the cross or X shall be placed in the square after the answer which he desires to give. Such stamping shall be done only with a stamp in black ink, which stamp, ink and ink pad shall be furnished in sufficient number by the county clerk for each election precinct in the county. Before leaving the booth or compartment the voter shall fold his ballot in such manner that the water-mark and the number of the ballot shall appear on the outside, without exposing the stamps upon the ballot, and shall keep it so folded until he has voted. Having folded his ballot, the voter shall deliver it with stamp, ink and pad, to the inspector, who shall announce

the name of the voter and the number of his ballot. The clerk having the registry list in charge, if he finds the number to agree with the number of the ballot delivered to the voter, shall repeat the name and number, and shall mark opposite the name, the word "voted." The inspector shall then separate the strip bearing the number from the ballot, and shall deposit the ballot in the ballot box. Said strip and number shall be immediately destroyed.

*Ten Minutes to Prepare Ballot.*

SEC. 21. But one person shall occupy any one booth or compartment at one time, and no person shall remain in a booth or compartment longer than may be necessary to prepare his ballot, and in no case longer than ten minutes.

*Spoiled Ballot, How Treated.*

SEC. 22. Any voter who shall accidentally spoil a ballot may return such spoiled ballot to the clerk of election, and receive another one in its place. All the ballots thus returned shall be immediately canceled by writing the word "canceled" across the face of the ballot, and, with those not distributed to the voters, shall be returned with the election returns. A voter who does not vote the ballot delivered to him, shall, before leaving the space inside the guard rail, return such ballot to the clerks, who shall immediately cancel the same and return it in the same manner as a spoiled ballot. The clerks of election shall account for the ballots delivered to them, by returning a sufficient number of unused and spoiled ballots to make up, when added to the number of official ballots cast, the number of ballots delivered to them.

*Who May Be Assisted.*

SEC. 23. A voter who declares under oath, that by reason of physical disability, he is unable to mark his ballot, shall, at his request, be permitted to receive the assistance, in such marking of any elector, other than an election officer, but no person shall be permitted to go inside the guard-rail as an assistant to more than one voter.

*Kind of Ballots To Be Deposited.*

SEC. 24. No ballots shall be deposited in the ballot box unless water-mark, as hereinbefore provided, appears thereon, and unless slip containing the number of the ballot has been removed therefrom by the inspector.

*Sample Ballots—Instructions to Voters To Be Posted.*

SEC. 25. The county clerk shall cause to be printed on plain white paper, without watermark or endorsement, except the words "Sample Ballot," at least as many copies of the form of ballot provided for use in each precinct as there shall be registered voters in any election precinct. And said county clerk shall furnish to each board of election, as many sample ballots as there shall be registered [voters] in said precinct, and on election day, the board of election shall

furnish each voter on application one such sample ballot. Said county clerk shall also cause to be printed in plain type on cards, instructions for the guidance of voters for obtaining and marking their ballots. He shall furnish twelve such cards to the boards of election of each election precinct in the county, at the time and in the manner that ballots and sample ballots are furnished. The board of election shall post at least one of such cards in each booth provided for the preparation of ballots, and not less than three of such cards at other public places in and about the polling places on the day of election. There shall be printed on such cards sections twenty-seven, twenty-eight, twenty-nine, and thirty of this act.

*Kind of Ballots To Be Counted—Kind Rejected.*

SEC. 26. In counting the ballots any ballot not bearing the water-mark, as provided in this act, shall not be counted, but such ballot must be preserved and returned with the other ballots. When a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office, his vote for such office shall not be counted. Any ballot upon which appear names, words or marks, written or printed, except as in this act provided, shall not be counted. But nothing in this act shall be construed as grounds for the rejection of a ballot where the intention of the voter is clear and where marks on the ballot cannot be definitely shown to be distinguishing marks, characters or words.

*Counterfeiting Ballot Paper a Felony—Other Offenses Enumerated.*

SEC. 27. Any person who shall falsely make or fraudulently deface or destroy any certificate of nomination or any part thereof, or file any certificate of nomination knowing the same or any part thereof to be false, or suppress any certificate of nomination which has been duly filed, or any part thereof, or make use of, keep or furnish to others, except as in this act provided, any paper water-marked in imitation of ballot paper, or disclose to any person not engaged in the making, printing or distribution of ballots or ballot paper under the direction of the proper officer, the design of the water-mark to be placed on the ballot paper, or print or be concerned in printing, or have in his possession any imitation of an official ballot, or make any mark or endorsement on any ballot or stub, by which the ballot can be distinguished from other ballots, or falsely swear that he is unable to mark his ballot by reason of physical disability, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the state prison for a term not less than one year, and not more than five years.

*Misdemeanor to Interfere With Election Supplies.*

SEC. 28. Any person who shall, during an election, remove

or destroy any of the supplies or other conveniences placed in the booths or compartments, or shall, during an election, remove, tear down or deface the cards of instruction posted, as prescribed by this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the county jail for a term not less than one month and not exceeding six months.

*Neglect of Public Officer, How Punished.*

SEC. 29. Any public officer upon whom any duty is imposed by this act, who shall wilfully neglect or refuse to perform any such duty, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the state prison for a term not less than one year and not exceeding five years.

*Many Interdictions Under Penalty.*

SEC. 30. No person except a member of the board of election shall receive from any voter a ballot prepared by such voter. No person shall examine such ballot or solicit a voter to show the same. No person shall remove any ballot from any polling place before the closing of the polls. No person shall apply for or receive a ballot at any election precinct other than the one on which he is entitled to vote. No person shall show his ballot to any person, after marking it, so as to reveal any of the names voted for. No person shall ask another within one hundred feet of the polling place for whom he intends to vote. No voter shall receive a ballot from any other person than one of the clerks of election, nor shall any other person than a clerk of election deliver such ballot to such voter. No voter shall deliver to the board of election or to any member thereof any ballot other than the one received from a clerk of election. No voter shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the county jail for a term not less than one month and not exceeding six months.

*County Clerks To Have Ballots Printed at Newspaper or Printing Office Within County, or State.*

SEC. 31. The county clerks of the several counties of this state shall supervise the printing of the ballots, and such ballots shall be printed at some newspaper or printing office in the county where the ballots are to be voted, and in case there is no newspaper or printing office in the county in which the work can be done, then said clerk is hereby authorized, empowered and directed to have said printing done in any newspaper or printing office in the state; [*provided,*] that the

cost of printing said ballots shall not exceed the sum of fifty dollars per thousand.

## CHAPTER 6

### *Votes of Nevada Soldiers in U. S. Service, How Taken.*

SECTION 1. For the purpose of taking the vote of the electors of this state, who may be in service of the United States volunteers, and at the time beyond the territorial limits of the state, the adjutant-general of the state shall, in due time to carry out the provisions of this act, make and deliver to the secretary of state duly certified separate lists for each county, having soldiers in the service, of the names of all qualified electors under the laws of this state, at the time of their enlistment, who may be in the military service of the United States, classified and arranged in alphabetical order, showing the regiment, battalion, squadron, battery and company, or other division to which each elector belongs, also the county and precinct in which he is entitled to vote.

### *Lists of Voters for Commanding Officers.*

SEC. 2. The secretary of state shall immediately transmit duly certified copies of such proper lists to the commanding officer of each of said organizations of which electors may be members.

### *Election, How Conducted.*

SEC. 3. Between the hours of 8 o'clock a. m. and 6 o'clock p. m. on the day of election, a ballot box, or other suitable receptacle, shall be opened under the immediate charge and supervision of the three officers highest in command, for the reception of votes from the electors whose names are upon said lists, at each place where a regiment, battalion, squadron, battery, company or other division of soldiers from this state in the military service of the United States may be on that day, at which time and place said electors shall be entitled to vote for all officers, for which, by reason of their residence in the several counties of this state, they are entitled to vote, as fully as they would be entitled to vote if present in their respective counties and precincts of their residence; and the votes so given by such electors, at such time and place, shall be considered taken, held, canvassed and counted by the respective canvassing boards of election in this state as if they had been given by them in the respective counties and precincts in and of which they were qualified electors at the time of their enlistment.

### *Ballots—Form of Returns of Election.*

SEC. 4. The ballot to be cast by such electors shall be the official ballot provided by law. The name of each elector voting as aforesaid shall be checked at the time of voting by one of said officers in charge of the ballot box, upon said

list. The said officers having charge of said election shall proceed to count the votes and compare the numbers with the checked lists immediately after the close of the polls, and on completing the count the said officers shall make and sign a return or certificate of the result, in substance as follows, to wit:

Return of soldiers' vote in the (here insert the regiment or other command as the case may be). We, the undersigned (here insert rank and command), do hereby certify that on the ..... day of ....., the electors belonging to our said command cast the following number of votes for the several persons and officers herein named, to wit:

For governor (here name each person voted for for governor, to the number of votes each received, written in full, also in figures, against and following the name of each person). For lieutenant-governor (here insert names of all voted for, number of votes for each, written in full, also in figures, against and following the name of such person), and so continue until the list is completed.

Witness our hands this ..... day of .....

A. B. (with rank and command).

C. D. (same).

E. F. (same).

#### *Canvass of Ballots.*

SEC. 5. All the ballots cast, together with the said voting lists, checked as aforesaid, and said returns, shall be immediately sealed up and sent forthwith by the commanding officer to the secretary of state at the seat of government, on receipt of which the secretary of state shall, in the presence of the chief justice of the supreme court, open said returns and immediately certify to the board of county commissioners of the proper county the soldier vote of such county for the various officers as returned to him, and such board of county commissioners shall canvass and count such vote, as soon as practicable after receiving the same.

#### *State and District Returns.*

SEC. 6. For state and district officers the said returns shall be canvassed by the state board of canvassers.

#### *Secretary of State to Furnish Necessary Ballots.*

SEC. 7. The secretary of state is hereby required to furnish, prepare and have printed the necessary ballots, and if he is not in possession of the names of the candidates for county and township officers, said names may be omitted from the ballot. He shall also furnish each commanding officer the necessary check and poll lists, together with the proper and sufficient blanks for said returns, and all necessary instructions for the taking of the votes in their respective commands.



## [CHAPTER 7—SCHOOL TRUSTEE ELECTION]

*Election in New School Districts.*

SECTION 1. Within thirty days after the formation of a new district an election must be held for trustees. Any three electors of the district may give notice of it in the same manner as notice is required to be given for the annual election.

*Hours in Which Polls Are Open.*

SEC. 2. In districts in which the children between six and eighteen years of age exceed four hundred, the polls must be open at 8 o'clock a. m. and kept open until 5 p. m. In other districts the polls must not be open before 9 a. m. nor be kept open less than four hours.

*Poll and Tally List.*

SEC. 3. A poll and tally list must be kept and returned to the board of trustees.

*When Five Trustees; When Three.*

SEC. 4. School districts having fifteen hundred or more school children, as shown by the last preceding school census, shall have five trustees; other districts shall have three trustees.

*Election Held in April.*

SEC. 5. An election of school trustees shall be held in each school district of the state on the first Saturday in April, nineteen hundred and fourteen, and on the same day every two years thereafter. At such elections, three trustees shall be elected in any district having fifteen hundred or more school-census children, as shown by the last preceding census, two for four years and one for two years; and two trustees shall be elected in every other district, one for four years and one for two years.

*Number of Trustees, How Determined.*

SEC. 6. In any school district having for the first time fifteen hundred school-census children, as determined after the election of trustees in any year, there shall be elected at the next ensuing school trustee election two trustees for four years and two trustees for two years, to bring such district to the five-trustee basis; and in any district falling below such number, as determined after a school trustee election, there shall be elected at the next ensuing trustee election one trustee for four years, to bring such district to the three-trustee basis.

*Election Officers, How Appointed.*

SEC. 7. Three inspectors of election and such other officers as may be necessary, shall be appointed by the school trustees in each district; *provided*, that respecting all questions that come before said election boards, the inspectors only shall determine the same. If the trustees fail to appoint the

election officers, or if they are not present at the time of opening the polls, the officers present may appoint them. All such officers shall serve without compensation; *provided*, that in school districts of the first class, the inspectors and clerks of election may be allowed compensation not to exceed four dollars each for services at such election, said compensation to be paid from the district school funds. If two or more polling places are kept open in districts of the first class, three inspectors and one clerk shall be appointed for each polling place, and each such officer shall be allowed compensation not to exceed four dollars.

*Notices Posted, When—Polls at Schoolhouses.*

SEC. 8. Not less than ten days before the election held under the provisions of this act, the trustees in each district shall post notices in three public places in the district, which notices shall specify that there will be an election held at the schoolhouse in such district and the hours between which the polls will be kept open. In districts of the first class the polls shall be kept open between the hours specified by the board of trustees, and in districts of the second class the polls shall be open between the hours of 1 o'clock p. m. and 5 o'clock p. m. If the trustees shall have failed to post notices as required by this section, then any three electors of the district may, within five days of the day of election, give notice of such election, which notices shall be sufficient for the election required by this act, and in such case no registration shall be necessary, but all the other provisions of this act shall be enforced; *provided*, that in districts of the first class as many different polling places may be kept open as there are schoolhouses in the district, and the trustees may decide in what buildings the election shall be held; but in such cases, the trustees must specify, in the election notice, the particular buildings in which polling places will be held.

*Qualifications of Voters.*

SEC. 9. No person shall be allowed to vote at any school election unless he is a resident of the district and his name appears upon the official registry list of the voting precinct or precincts including the district for the last preceding general election; *provided*, that any citizen of the United States who shall have resided in this state six months, and in the school district thirty days next preceding the day of election, and whose name is not upon the said official registry list, may apply to the clerk of the board of school trustees, or to a person authorized by the trustees of the district to act as registry agent, not more than eight nor less than five days prior to the day of election, to have his name registered.

*Registration Regulations—Oath.*

SEC. 10. It shall be the duty of the clerk of the board of school trustees, or the person appointed by the board of

school trustees, as the case may be, to register any qualified voter of the school district who may apply to be registered under the provisions of the preceding section; *provided*, that if the person applying to be registered be unknown to the registry agent, or his qualifications for voting be unknown, he shall, before having his name registered, be required to subscribe to the following oath: "You do solemnly swear that you are a citizen of the United States; that you are twenty-one years of age; that you will have resided in the state six months and in this school district thirty days next preceding the day of the school election." False swearing under the provisions of this section shall be deemed perjury and punished as now provided by law.

*Registry List.*

SEC. 11. No person shall be entitled to vote under the provisions of this act except he be registered as herein provided. The board of school trustees shall prepare, or cause to be prepared, or obtain a list, certified or sworn to as being correct, of the names of all persons entitled to vote at the school election as herein provided, which said list shall be completed at least three days prior to the day of election, and shall be under the charge of the clerk of the board of school trustees and subject to the inspection of any qualified voter in the district.

*Special Registration, When—Cost Restricted.*

SEC. 12. The board of school trustees in all school districts having a voting population of fifty or more, are authorized to employ a competent person to prepare said list of qualified voters and to pay for the work out of the school fund of the district, in a manner as other claims against the district are allowed and paid, a reasonable sum, not exceeding five cents a name for each qualified voter, providing that the total amount to be allowed does not exceed fifty dollars. The list so prepared shall be sworn to by the person making the same as correct, according to his best knowledge, information and belief.

*Registry Delivered to Inspectors.*

SEC. 13. The list of qualified voters, as hereinbefore described, shall be delivered to the inspectors of election prior to the time of opening the polls on the day of election, and no person shall be entitled to vote at the election whose name is not on said list; *provided*, that any person whose name is left off said list by mistake, design, accident, or otherwise, may have his name placed thereon by the inspectors of election upon satisfactory proofs being presented of his having previously been registered in accordance with the provisions of this act.

*Voting by Secret Ballot.*

SEC. 14. The voting shall be by ballot, either written or

printed, and when two or more trustees are to be elected for different terms, the ballot shall designate such terms as "long term," and "short term," respectively.

*Number and Form of Ballots.*

SEC. 15. In all school districts having a school population of one hundred or over, the board of school trustees shall have printed ballots of uniform size containing the names in alphabetical order, of all persons candidates for the office of school trustee. There shall be twice as many ballots printed as there are voters in the district, and no ballots other than those furnished by the board of school trustees shall be voted.

*Method of Voting.*

SEC. 16. A person desiring to vote shall, if his name be on the registry list as herein provided, receive from the board of election or some member thereof, and from no other person, a ballot upon which he shall designate his choice for trustee or trustees to be elected in the district, by placing a cross thus, X, opposite and to the right of the name of the person for whom he intends to vote.

*Instructions for Voting.*

SEC. 17. There shall be placed on the ballots, in addition to the names of the candidates, such information as the board of trustees may deem necessary to inform the voter how to mark his ballot, such as: "Place a cross thus: X, opposite and to the right of the name of the candidate for whom you wish to vote," "vote for one," "vote for two," etc.

*Inhibitions as to Polling Places—Misdemeanor and Penalty.*

SEC. 18. No person, other than the board of election or a police officer in the discharge of his duty, shall be allowed within one hundred feet of the polls, except when actually engaged in voting or in going to or from the polls for the purpose of voting or challenging the vote of another, and excepting all persons in attendance upon any school which may be in session in the building. No person shall show his ballot to another while marking it or after marking it so as to disclose for whom he has voted, but he shall, as soon as possible after marking it, fold it so that the marking will be on the inside and return it to the board of election to be counted. Wilful violation of any of the provisions of this section shall constitute a misdemeanor, punishable by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding twenty-five days, or by both such fine and imprisonment.

*Assistance in Voting, When Allowed—Spoiled Ballot.*

SEC. 19. No person shall receive assistance in marking his ballot unless physically unable to mark it, and then only by permission of the board of election. A voter spoiling his bal-

lot may procure another by delivering the spoiled ballot to the board of election.

*Challenges—Oath—Illegal Voting Punished.*

SEC. 20. Any registered person offering to vote may be challenged by any elector of the district, and the judges of election must thereupon administer to the person challenged an oath in substance as follows: "You do swear that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this state six months, and in this school district thirty days next preceeding this election, and that you have not voted before this day." If he takes the oath prescribed in this section his vote shall be received, otherwise his vote must be rejected. Illegally voting under the provisions of this act shall be punishable the same as the law now provides for punishing offenses of this character.

*When Candidates Shall File Names.*

SEC. 21. In school districts having a voting population of one hundred (100) or over, candidates for the office of school trustee shall, not later than five days before the day of election, having their names filed with the county clerk of the county, with designation of the term of office for which they are candidates, and no names shall be placed upon the ballots unless filed within the time herein specified.

*Election Board Shall Count and Make Returns.*

SEC. 22. The board of election in districts of the first class shall keep a poll list and tally sheet, which, together with the registry list and all ballots cast, shall be delivered to the county clerk upon the count being completed, and such returns shall be kept as the law now provides for keeping returns of general elections; but in districts of the second class, said poll list, tally sheet, registry list and all ballots cast, upon the count being completed, shall be delivered to the deputy superintendent of public instruction and kept on file in his office. After the completion of the count at each polling place in districts of the first class using more than one polling place, the election board of each polling place shall meet at a place designated by the board of trustees and there summarize all votes cast in the district and make out the election certificates.

*Board Shall Issue Certificates of Election.*

SEC. 23. The election board shall issue certificates of election to those receiving the greatest number of votes cast in accordance with the provisions of this act, specifying the number of years for which each is elected; and the election board shall immediately send by mail a copy of each election certificate to the deputy superintendent of public instruction.

*When Trustees Take Office.*

SEC. 24. Trustees elected under this act shall take office on the first Monday in May following their election.

*Vacancies, How Filled.*

SEC. 25. On the fourth Saturday after the occurrence of any vacancy or vacancies in any board of school trustees, an election may be held to elect a trustee or trustees for the remainder of the unexpired term or terms. Such elections shall be conducted in accordance with the law now in effect for the election of public school trustees; *provided*, that the remaining members or member of the board may serve as a full board for the purpose of making all required preliminary arrangements for conducting said elections to fill said vacancies.

*When Deputy Shall Fill Vacancies.*

SEC. 26. In case the voters fail to elect, or in case no election is held, as provided in the preceding section, the deputy superintendents shall fill all vacancies occurring in said board of trustees.

## CHAPTER 8—TOWN AND CITY ELECTIONS

*Duties of Registry Agents.*

SECTION 1. The registry agents of every voting precinct in this state, containing within its limits a town or city, the boundaries of which are described by metes and bounds, shall register all voters, residents of said town or city, separately from the voters who reside within the said voting precinct but without the limits of said town or city, or he shall designate after the name of each voter whether he is a resident within or without said town or city; *provided*, that when there are no officers to be elected exclusively for said town or city such separate registration shall not be required.

*Residence To Be Designated.*

SEC. 2. The registry agents in preparing the official register for any voting precinct as described in section 1 of this act for the use of election officers of the precinct and the wards thereof, if any there be, shall designate after the name of each voter, or in some other appropriate and intelligible manner, the residence of the voter, whether within or without the limits of the town or city, so that the election officers can readily determine whether or not voters are qualified to vote for town or city officers, if any such are to be elected.

*Ballots to Contain—Proviso.*

SEC. 3. The county clerk shall cause to be placed upon the official ballots to be used at any voting precinct containing within its limits a town or city, as described in section 1 of this act, the names of all candidates for office for said town or city, in a manner as now provided by law, to be voted for exclusively by the electors of said town or city; *provided*, that he shall furnish sufficient ballots without the names of candidates for town or city officers, for use of the voters of the precincts who reside without the limits of said town or city, and the numbers of all ballots furnished for use in said

precincts, and the wards thereof, if any there be, shall be as now provided by law, and shall be apportioned according to the relative number of each class of voters as herein designated.

*Form of Ballot.*

SEC. 4. The election officers of every voting precinct and the wards thereof, if any there be, shall, in a manner as now provided by law, furnish the voters of said precinct or the wards thereof, with ballots with or without the names of the candidates for town or city officers, according as the voter is a resident within or without the limits of said town or city as shown by the official registry list for use of the election officers of said precincts, or the wards thereof, as in this act provided, and no ballot containing names of candidates to be voted for exclusively by residents of the town or city shall be given to any voter who resides without the limits of said town or city.

*Regular Election Laws to Govern.*

SEC. 5. Except as herein specially provided, the manner of voting and conducting the election shall be as now provided by law.

*Applicable to Wards.*

SEC. 6. Whenever any officer or officers of any town or city as herein mentioned are to be voted for exclusively by the qualified voters of any ward or wards of said town or city, then all the provisions of this act concerning the registration and manner of voting for town and city officers shall apply to said ward or wards.

## CHAPTER 9—UNITED STATES SENATOR

*Candidates for United States Senator May Be Nominated.*

SECTION 1. At the general election next preceding the expiration of the time for which any United States senator was elected or appointed to represent the State of Nevada in congress, candidates for the choice of electors of this state for United States senator may be nominated in the same manner as provided by law for the nomination of state officers.

*Certificate of Nomination To Be Filed With the Secretary of State—Ballot, How Prepared.*

SEC. 2. Such certificates of nomination shall be filed with the secretary of state, who shall certify the names of all candidates as shown therein to the various county clerks as now required by law in case of candidates for state offices, and the several county clerks in preparing the ballots to be voted at any such general election shall place thereon the names of all such candidates under the words "Choice for U. S. Senator, vote for one," and there shall be a margin at the right-hand side of these names at least one-half inch wide, where the

voter may indicate his choice of said candidates by making a cross or X.

*Names of All Nominated Candidates To Be Submitted at General Election—To Be Canvassed—Secretary of State to Transmit to Legislature.*

SEC. 3. The names of all candidates so nominated shall be submitted to the electors of the state for them to express their choice at every such general election, and the vote upon such choice shall be taken, returned, canvassed and certified by the same authority and in the same way as the vote for state officers is taken, canvassed, returned and certified, and the secretary of state shall, within five days after the convening of the next session of the legislature following any such election, transmit to each branch thereof the result of the official canvass of the vote upon said choice and candidates.

*Not to Apply to Vacancies After Sixty Days Prior to Election.*

SEC. 4. The provisions of this act shall not apply to the filling of any vacancy in the office of United States senator which may occur by death, resignation or removal between the date sixty days prior to any general election and the adjournment of the next session of the legislature.

*No Reward To Be Used in Aid of Candidate.*

SEC. 5. No person shall, either in aid of his own candidacy or election, or in aid of the candidacy or election of any other person for the choice of the electors for United States senator, give, pay, expend or promise any money or reward to any one whomsoever.

*Petition.*

# REFERENDUM

SECTION 1. Whenever ten per centum or more of the voters of this state, as shown by the number of votes cast at the last preceding general election for justice of the supreme court, shall express their wish that any law or resolution made by the legislature be submitted to the vote of the people, they shall file with the secretary of state, not less than four months before the time set for such general election, a petition, which petition shall contain the names and residences of at least ten per centum of the voters of this state, demanding that a referendum vote be had by the people of the state at the next general election upon the bill or resolution on which the referendum is demanded.

*More Than One Petition—Verification.*

SEC. 2. The names of the electors so petitioning need not all be upon one petition, but may be contained in one or more petitions; but each petition must be verified by at least one of the voters who has signed such petition, and such voter making such verification must swear that the persons signing said petition are qualified voters of this state. Said petition may be verified upon information and belief.



*Secretary of State to Certify Questions to the County Clerks—Same To Be Public.*

SEC. 3. That upon receipt of said petition by the secretary of state he shall file the same, and at the next general election shall submit the question of the approval or disapproval of said law or resolution to the people of the state to be voted upon at the ensuing election wherein any state or congressional officer is to be voted for, or wherein any question may be voted upon by the electors of the entire state. And the secretary of state shall certify the said law to the several county clerks in this state, and they shall publish the same in accordance with the provisions of law requiring the said county clerks to publish questions and constitutional amendments which are to be submitted for popular vote.

*Questions, How Placed on Ballots.*

SEC. 4. That the title of the act shall be set out on the ballot, and the question printed upon the ballot for the information of the voters shall be as follows: Shall the act (setting out the title thereof) be approved? And the votes cast upon such questions shall be counted and canvassed as are the votes for state officers counted and canvassed.

*Operation of Referendum.*

SEC. 5. When a majority of the electors voting at a state election, shall, by their vote signify their approval of an act submitted at such election, such act shall stand as the law of the state, and shall not be overruled, annulled, set aside, suspended or in any way made inoperative, except by a direct vote of the people. When a majority shall so signify disapproval, the law or resolution so disapproved shall be void and of no effect.

SEC. 6. Those certain acts entitled—

“An act prescribing what shall constitute actual residence within the meaning of article 2 of the constitution of the State of Nevada,” approved March 4, 1889;

“An act to provide for the registration of the names of electors and to prevent frauds at elections,” approved March 5, 1869;

“An act to provide for the registration of the names of electors and to prevent fraud at elections in certain incorporated cities within the State of Nevada, providing certain penalties and other matters properly appertaining thereto,” approved March 24, 1911;

“An act supplemental to an act entitled ‘An act to provide for the registration of the names of electors and to prevent fraud at elections,’ approved March 5, 1869,” approved February 20, 1885;

“An act to provide for the registration of voters in case of death or resignation of registry agents,” approved March 6, 1879;

“An act to provide for the direct nomination of candidates

for public office by electors, political parties and organizations of electors, without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political methods whereby the electors of political parties may express their choice at such primary elections for United States senator, to provide for the registration of voters for said primary elections and the compensation of registry agents, and to provide penalties for violating the provisions of this act," approved March 23, 1909;

"An act relating to elections," approved March 12, 1873;

"An act providing for the closing of polls at elections in certain cases," approved March 6, 1889;

"An act to provide for the transmission of ballots, poll books and tally lists by mail in certain cases," approved March 6, 1889;

"An act relating to elections," approved March 6, 1889;

"An act relating to elections and to more fully secure the secrecy of the ballot," approved March 13, 1891;

"An act relating to elections and to more fully secure the secrecy of the ballot," approved March 6, 1893;

"An act supplementary to an act entitled 'An act relating to elections and to more fully secure the secrecy of the ballot,' approved March 13, 1891" approved March 18, 1901;

"An act supplemental to an act entitled 'An act relating to elections and to more fully secure the secrecy of the ballot,' " approved March 19, 1901;

"An act concerning the election of town and city officers in this state, and matters properly connected therewith," approved March 22, 1897;

"An act to provide for taking the votes of electors of the State of Nevada, who may be in the military service of the United States," approved March 14, 1899;

"An act to secure the election of United States senator in accordance with the will of the people and the choice of the electors of the state, and to obtain an expression of such choice, and to prevent fraud and official dereliction of duty in connection with such election," approved March 14, 1899;

"An act limiting the time in which proceedings for contesting the election of any officer may be begun," approved March 25, 1903;

"An act to provide for submitting certain acts of the legislature for approval by the qualified electors of the State of Nevada, in accordance with the referendum provisions of the constitution," approved March 24, 1909—  
are hereby repealed.

## CORRUPT PRACTICE ACT

CHAP. 282—*An Act to limit expenditures for campaign and election purposes to candidates, their political agents, and managing committees of political parties; to prescribe the manner of appointment of such agents; to limit the contributions, expenditures and liabilities of candidates, political agents and managing committees of political parties; to define, prohibit and punish corrupt and illegal practices in connection with or relative thereto [at] primary, special and general elections; to secure and protect the purity of the ballot; to prohibit the use of conveyances to carry voters to the polls; to prohibit the peddling or distributing of liquors and cigars by candidates for office; to prohibit and punish the making, publication and circulation of false charges and statements against candidates, the doing of any act tending to deceive or interfere with the voter; and to provide for furnishing information to electors.*

[Approved March 31, 1913]

### *Restricting Expenses of Candidate.*

SECTION 1. In all political campaigns in this state conducted for the purpose of nominating or electing candidates to office, no sum of money shall be paid, and no expenses incurred, and no workers employed by any person except the candidate, or his duly appointed political agents, or the regularly constituted committees of the party, of which the candidate is a nominee.

### *Candidate May Appoint One Agent in Each County.*

SEC. 2. A candidate may appoint a number of political agents not exceeding one for each county in the state. Such appointment shall be in writing, giving the full name of the agent, and his postoffice and residence address and state the maximum to be expended and liability to be incurred by such agent, and shall be signed by the candidate; such appointment by a candidate for a state office, including candidates for the office of senator of the United States, and representative in congress, shall be filed with the secretary of state. Such appointments by other candidates shall be filed with the county clerk or clerks of the counties wherein the candidates seek office. No political agent shall have authority to pay money, incur expenses, or employ workers, or do other acts for or on behalf of any candidate, until after his said appointment is made and filed as herein provided.

### *Agent May Use Only Principal's Money in Limited Amount.*

SEC. 3. No political agent shall procure, or pay out, any money, except the money of his principal, nor incur any

expenses, except on the credit of his principal, and then not in excess of an amount specially authorized in writing by said principal, in his said appointment.

*Limited to 20 Per Cent of One Year's Salary.*

SEC. 4. No sums of money shall be paid, and no expenses authorized, permitted or incurred, by or on behalf of any candidate for nomination in his campaign for nomination to any public office in the state in excess of twenty per cent of one year's compensation, or salary of the office for which he seeks to be a candidate. For the purposes of this law the contribution, expenditure, or liability of a candidate's political agent, or other person, with the consent of the candidate, shall be considered as, and held to be, that of a candidate.

*Contribution to Party Funds Limited.*

SEC. 5. No sums of money shall be paid and no expenses authorized, permitted or incurred by or on behalf of any candidate, who has received the nomination for any public office, or position in this state, except such as may be contributed by him to the managing committee of his party, in excess of 20 per cent of one year's salary, or compensation of the office for which he is nominated, and no such candidate shall pay, or contribute, or become liable to the managing committee of his political party in any sum of money in excess of 20 per cent of one year's salary, or compensation of the office for which he is nominated; *provided*, that candidates for any office may expend the sum of \$150. The word expense or expenses in this bill shall not be construed to include and shall not include the personal traveling and living expenses of the candidate, or the postage, telegraph or telephone expenses of such candidate.

*Committees Restricted in Expenditures.*

SEC. 6. No political party in any campaign in this state, through its managing committees, or otherwise, shall pay, distribute or expend, any sums of money, or incur, authorize, or permit any expenses, or liabilities in excess of a sum equal to 20 per cent of the salary or compensation for one year of each and all candidates for state office, including senators and representatives in congress.

*Terms Construed.*

SEC. 7. Terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law.

"Persons" shall apply to any individual, or number of individuals, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation, or other combination of individuals.

"Candidate" shall apply to any person whose name is

printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election.

"Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

"Public office" shall apply to any national, state, county, city or precinct office to which a salary attaches and which is filled by the voters, as well as the office of presidential elector, United States senator, representative in congress, or presiding officer of either branch of the legislature.

"Give," "provide," "expend," "contribute," "receive," "ask," "solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any thing of value; shall include the promise, advance, deposit, borrowing or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given.

*Sworn Statements of Various Candidates.*

SEC. 8. Every candidate for nomination or election to public office, including candidates for the office of senator of the United States, and representative in congress, shall, five days before and fifteen days after the election at which he was a candidate, file with the secretary of state, if a candidate for senator of the United States, representative in congress, or for any state or district office in a district composed of one or more counties, and with the county clerk, if a candidate for state senator, or assemblyman, or for county and precinct offices, and with the city clerk if for a city office, an itemized sworn statement setting forth in detail all the moneys, or other valuable thing contributed, expended or promised by him to aid and promote his nomination or election, or both as the case may be, and for the election of his party candidate, including contributions to the managing committee, or other committee of the party, and all existing unfulfilled promises of every character, and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election of his party candi-

dates, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such statement shall be fined twenty-five dollars for every day on which he was in default, unless prevented from doing so by unavoidable circumstances, to the satisfaction of the court. Fifteen days after any such election, the secretary of state, or county clerk, as the case may be, shall notify the district attorney of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute said candidate for such offense.

*Detailed Accounts Must Be Kept.*

SEC. 9. Every political committee shall have a chairman and a treasurer, and shall cause the treasurer to keep detailed accounts of all its receipts, payments and liabilities; a true and correct statement of such accounts, verified by the affidavit of the chairman and treasurer, shall be filed with the secretary of state five days before, and again within fifteen days after the election. Similar accounts shall be kept by every person who in the aggregate receives or expends money or incurs liability to the amount of more than fifty dollars, for political purposes, and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate, or other person or political party or organization, shall, on demand, and in any event within fourteen days after such receipt, expenditure, or incurrance of liability, give such treasurer, agent, candidate, or other person on whose behalf such expense or liability was incurred, detailed account thereof with proper vouchers. Every payment, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it shall be filed for at least six months after the filing of the same, and if any contest for office or criminal prosecution is instituted wherein the same may become necessary or material, until the final determination of such contest or prosecution, as the case may be. Any person not a candidate for any office or nomination who expends money or anything of value to any amount, or incurs indebtedness, greater than fifty dollars, in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or party ticket, or measure before the people, shall within ten days before and ten days after the election in which said money or valuable thing was expended, or indebtedness incurred, file with the

secretary of state, in the case of a measure voted upon by the people, or of state or district offices for districts composed of one or more counties, or with the county clerk for the county offices, an itemized statement of such receipts, expenditures and indebtedness and vouchers for every sum paid in excess of five dollars, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers. The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization, or their representative appointed in writing, for the same electoral district or territory; and his right of inspection may be enforced by a writ of mandamus by any court of competent jurisdiction. Such treasurer shall preserve such book of accounts as herein provided for the preserving of vouchers, receipts and accounts by certain public officers.

*Secretary of State To Include This Act in Election Laws.*

SEC. 10. The secretary of state shall, at the expense of the state, furnish to the county clerk, copies of this act as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the secretary of state, in the case of state and district offices for districts composed of one or more counties, and county clerks for county offices, shall transmit to the several political committees, and to political agents, as far as they may be known to such officer, copies of this act, and also to any other person required to file a statement, such copies shall be furnished upon application therefor. Upon his own information, or at the written request of any voter, said secretary of state shall transmit to any other person believed by him or averred to be a candidate, or who may otherwise be required to make a statement, a copy of this act.

*Officers Shall Inspect Accounts of Political Committees and Candidates.*

SEC. 11. The several officers with whom statements are required to be filed, shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person. Every such complaint filed by a citizen or candidate shall state in detail the grounds

of objections, shall be sworn to by the complainant and shall be filed with the officer within sixty days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within sixteen days after any convention, primary or nominating election, said secretary of state, or county clerk, as the case may be, shall demand from any specified person or candidate a statement of all his receipts, disbursements and liabilities, and a statement of all promises made by him, in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not, and said person shall thereupon be required to file such statement and to comply with all the provisions relating to statements herein contained, and mandamus shall lie to compel obedience to such requirements. Whoever makes a statement required by this act shall make oath attached thereto that it is in all respects correct, complete, full and true, to the best of his knowledge and belief, and said verification shall be substantially in the form herein provided.

*Failure To File Statement, How Punished.*

SEC. 12. Upon the failure of any person to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, or in any other provision of the election laws, the secretary of state or the county clerk, as the case may be, shall forthwith notify the attorney-general and the district attorney of the district where said violation occurred, and shall furnish them with copies of all papers relating thereto, and said district attorney shall within sixty days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this act he shall in the name of the state forthwith institute such civil or criminal proceedings as may be appropriate to the facts. Any such proceeding may be instituted by the attorney-general and it shall be his duty to assist in the prosecution of such violations with regard to all offices except county offices, and in case of county offices, he may, if he believes the facts warrant it, and the district attorney fail to prosecute, to institute such proceedings as he may believe the facts justify.

*District Court To Have Jurisdiction.*

SEC. 13. The district court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, or where the offense is committed, or the defendant resides, unless herein otherwise provided, shall have original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement which conforms to the provisions of this act in respect to its truth, sufficiency in detail or otherwise to file a sufficient



statement, upon the application of the attorney-general or of the district attorney, or the petition of a candidate or of any voter.

*All Statements To Be Preserved at Least Six Months; Subject to Public Inspection.*

SEC. 14. All statements filed in pursuance of this act shall be preserved by the officer with whom filed for at least six months, and if a contest or action of any kind, civil or criminal, shall be instituted, until the same is finally disposed of. They shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of all other public records. The totals of each statement, filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the secretary of state or the county clerk, as the case may be.

*Fictitious Names Must Not Be Used.*

SEC. 15. No person shall make a payment of his own money or of any other person's money to any other person in connection with the nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in any other name than that of the person by whom it was actually furnished; *provided*, if money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from such treasurer.

*Promise of Appointment, Direct or Indirect, Not To Be Made by Candidate; Exception.*

SEC. 16. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define his choice or purpose in relation to any election in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the legislature, he may pledge himself to vote for the people's choice for United States senator, or state what his action will be on such vote.

*Campaign Contributions, or Demand for Same, Prohibited.*

SEC. 17. No holder of any public position or office other than an office filled by the voters, shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes.

*Appointive Officer Cannot be Delegate to Political Convention, or Member of Committee.*

SEC. 18. No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall be a member of a political committee for such district.

*Proxies Not Bought or Sold.*

SEC. 19. No person shall invite, offer or effect the transfer of any convention, caucus or committee credential in return for any payment of money or other valuable thing, or appointment to any position whatsoever.

*Payment for Withdrawing as Candidate Prohibited.*

SEC. 20. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from being or cease being a candidate for office, and no person shall solicit any payment, promise or reward from another for such purpose.

*Contributions to Societies, Clubs, Etc., Must Not Be Asked of Candidate During Campaign.*

SEC. 21. No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable, social or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or while an incumbent of an office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club, church or organization of any kind, to buy tickets to any entertainment or ball, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the solicitation of any business advertisement for insertion in any periodical in which such candidate was regularly advertising prior to his candidacy, nor to ordinary business advertisements, nor to his regular payment to any organization, religious, charitable or otherwise, of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy nor to ordinary contributions at church services.

*Corporation or Officers Thereof Prohibited from Contributing to Campaign Funds.*

SEC. 22. No corporation, and no person, trustee or trustees, director or directors, owning, holding or representing the majority of the stock of a corporation carrying on the business of a bank, savings bank, cooperative bank, trust company, trust trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, sewer, cemetery, or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or by the county, city or town, or mining company, shall pay or contribute any money or other consideration, or employ politicians, workers, speakers, advertisers in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party, organization or person. No person shall solicit or receive such payment or contribution from such corporation or such holders, owners or representatives of a majority of the stock in any of such corporations.

*"Treating" Prohibited.*

SEC. 23. Any person or candidate who shall, either by himself or by another person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to induce that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party, ticket, or measure before the people or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Every elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquors, cigars or tobacco, shall also be guilty of treating; and such acceptance shall be a ground of challenge to his vote and rejecting his vote on a contest.

*Force or Threats of All Kinds Prohibited.*

SEC. 24. Every person who shall directly or indirectly, by himself or any other person, in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, expose or publish, or threaten to expose or publish, or pub-

lish any fact concerning a person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party or any measure before the people; and every person who, otherwise than by public speech or print, shall, either directly or indirectly, urge, persuade or command any voter to vote, or refrain from voting for or against any candidate or political party ticket or measure submitted to the people, in the interest of any church, religious or other corporation or organization, or who shall by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector to give or refrain from giving his vote, or shall discharge, or change the place of any employee with the intent and for the purpose of impeding or preventing the free exercise of the franchise by such voters, shall be guilty of undue influence, and shall be punished as for a corrupt practice.

*Betting Money on Election Prohibited—Grounds for Challenge.*

SEC. 25. Any candidate who, before or during any election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the election in this state, or in any part thereof, or on any event or contingency relating to any pending election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending election, shall be guilty of a corrupt practice. Any person who makes any bet or wager of anything of pecuniary value on the result of such election in this state or in any part thereof, or of any pending election, or on any event or contingency relating thereto, shall be guilty of a corrupt practice, and in addition thereto any such act shall be a ground of challenge against his right to vote.

*Applying for Ballot in Name of Another a Felony.*

SEC. 26. Any person shall be deemed to be guilty of the offense of personation who, at any election, applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who, having voted once at an election applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary at hard labor for not less than one nor more than three years.

*Corrupt Practices Defined—When Deemed Prevalent.*

SEC. 27. Any person shall be guilty of a corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of any statute of this state, or if he is guilty of treating, undue influence, per-

sonation, the giving or promising to give, or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people, at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures. Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common, or where pursuant to a general scheme or plan.

*Payment of Transportation or Other Expenses of Voters Prohibited.*

SEC. 28. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering, or for the expense of transportation to or from the polls, or for the purpose of registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result of the election, except for the hiring of not to exceed two persons for each polling precinct, whose sole duty shall be to act as challengers and watch the count of the official ballots.

*Employee of Corporation Culpable, When.*

SEC. 29. Any officer, agent, servant, employee or representative of a corporation, acting for such corporation, while without the State of Nevada, or any individual, while without the state, acting in behalf of himself, or another or others, who shall do any one or more of the acts and things prohibited by this act, shall be guilty of a corrupt practice and punished accordingly.

*Conveyances Must Not Be Provided for Voters—Exception, With Provisions.*

SEC. 30. No individual or committee representing any political party or candidate for office, and no candidate for office, either in a general, special or primary election, shall furnish or provide any buggy, carriage, wagon, cart, automobile, or conveyance of any kind or character whatsoever for the taking or transporting of a voter or voters to the polls, nor shall any other person or corporation furnish any of said conveyances for any such purpose in behalf of any candidate, political party, organization or measure; *provided*, that any two or more political parties may cooperate in the furnishing of conveyances for the purpose of taking sick or crippled persons to the polls, but when so furnished they shall have neither banner nor worker upon them. Any

person violating this section shall be guilty of a corrupt practice.

*Cigars, Liquor and Candy Prohibited.*

SEC. 31. No candidate for office, either in a general, special or primary election shall peddle or distribute cigars, liquors or confectioneries to any person while such candidate, nor shall any person or persons in behalf of a candidate peddle or distribute cigars, tobaccos, liquors or confectioneries. Any person violating this section shall be guilty of a corrupt practice.

*Witness Not To Incriminate Self.*

SEC. 32. No person, otherwise competent as a witness, shall be exempt from testifying as such, concerning any violation of this act, on the ground that such testimony may incriminate him; *provided*, no prosecution shall afterwards be had against any such witness for any offense concerning which he testifies.

*Certain Inhibitions Concerning Newspapers.*

SEC. 33. No publisher of a newspaper or other periodical shall insert, either in its advertisement or reading columns any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is paid advertisement, and the name of the chairman or secretary, or the names of the other officers of the political or other organization inserting the same, or the name of the person who is responsible therefor, if any, appear in such advertisement in the nature of a signature. No person shall directly or indirectly pay or offer any inducement to the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent of any newspaper or periodical shall accept such payment or other inducement. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

*All Printed Matter Must Carry Name of Author and Printer, With Address.*

SEC. 34. It shall be unlawful to write, print, or circulate through the mails or otherwise any letter, circular, bill, placard or poster relating to any election or to any candidate at any election, unless the same shall bear on its face the name and address of the author, and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting, or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular, or poster, as aforesaid, which fails to bear on its face the name and address of the author and of the printer and publisher, shall be guilty of an illegal practice, and shall, on

conviction thereof, be punished by a fine of not less than ten dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than eight months, or by both such fine and imprisonment. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges, whether such charges be direct or by innuendo, insinuation or implication, reflecting on any candidate's character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation thereof, shall be guilty of political criminal libel, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years. If the person charged with such crime shall, on his trial, prove that the statements made were true, or that he had reasonable ground to believe such charge was true, and did believe it was true, and that he was not actuated by malice in making such publication, it shall be a sufficient defense to such charge. But in the event the defense is that defendant had reasonable ground to believe the charge was true, and did believe it to be true, as a part of his defense, he shall also prove that, at least five days before such letter, circular, poster, bill or placard containing such false statement or statements was printed or circulated, he caused to be served personally upon the candidate to whom it relates a copy thereof in writing, and calling his attention particularly to the charges contained therein, and that, before printing, publishing, or circulating such charges, he received and read any denial, defense or explanation, if any, made or offered to him in writing by the accused candidate within five days after the service of such charge upon the accused person.

*Candidate's Name Not To Be Put on Official Ballot Unless Statement Regarding Primary Expenses Is Filed.*

SEC. 35. The name of the candidate chosen at a primary nominating election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and expenses relating to nominations required by this act, as well as a statement of his political agents and by his political committee or committees in his behalf, if public records disclose the existence of such agents, committee or committees. The officer, or board entrusted by law with the preparation of the official ballots for any election shall, as far as practical, warn candidates of the danger of omission of their names by reason of this provision, but delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of the polit-

ical party affected in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed his statements required by this act.

*Unlawful To Be, or Refrain from Being, Candidate for Consideration.*

SEC. 36. It shall be unlawful for any person to accept, receive or pay money or other valuable consideration for becoming or refraining from becoming a candidate for nomination or election. Upon complaint made to any district court, if the judge shall be convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party, in violation of the provisions of this section, the judge shall forthwith issue a writ of injunction restraining the officer or officers whose duty it is to prepare the official ballots for such nominating election from placing the name of such person thereon as a candidate for nomination to any office. In addition thereto the court shall direct the district attorney to institute criminal proceeding against such person or persons for corrupt practice, and upon conviction thereof he and any person or persons paying or giving any such valuable consideration for becoming or refraining from becoming a candidate shall be punished by a fine of not more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both.

*Candidate Not Deprived of Nomination or Office for Trivial Offense.*

SEC. 37. Where, upon the trial of any action or proceeding for the contest of the right of any person declared nominated or elected to office, or to annul or set aside such nomination or election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, or that the offense or offenses complained of were trivial, unimportant and limited in character, and that in all other respects his participation in the election were free from such offense or illegal acts, or that any act or omission of the candidate arose from inadvertence, or from accidental miscalculation, or from some other reasonable cause of a like nature and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the said candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or



omission complained of be void, nor shall the candidate be removed or deprived of his office.

*When Deemed Usurper of Office—Exception.*

SEC. 38. Any person nominated or elected to any office in the state who has been guilty of a corrupt practice, or violated the provisions of this act, except as provided in the preceding section, shall forfeit such nomination or office to which he has been so nominated or elected and thereafter if he obtains possession of such office shall be deemed a usurper and upon the trial of any action or proceeding for the contesting of the rights of any person declared to be nominated to an office, or to annul or set aside such election, or to remove any person from his office, it shall be proven that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exception to this judgment shall be that provided in section 37 of this act; such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

*District Attorney and Attorney-General To Act.*

SEC. 39. If any district attorney shall be notified by an officer or other person of any violation of any of the provisions of this act within his jurisdiction, it shall be his duty forthwith to notify the attorney-general and to diligently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such district attorney to file a complaint or information in writing before a court of competent jurisdiction, charging the accused person with such offense; if any district attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. It shall be the duty of the district attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office.

*Fines for Corporations.*

SEC. 40. A corporation for the violation of any of the provisions of this act shall be subject to a fine of not more than one hundred thousand dollars (\$100,000), or may be subject to have declared a forfeiture of the charter and franchise of the corporation, if organized under the laws of this state, or if it be a foreign corporation it shall be subject to be enjoined from further transacting business in this state, or by both such fine and forfeiture, or by both such fine and injunction, as the case may be. And any officer or agent or

employee of such corporation knowingly aiding, assisting or representing such corporation in the performance of such act shall be guilty of a corrupt practice and shall be punished by a fine of not more than five thousand dollars (\$5,000), or by imprisonment in the county jail for not less than one or more than twelve months, or by both such fine and imprisonment.

*General Penalties and Punishments.*

SEC. 41. Every person guilty of a corrupt practice, as defined in this act, is guilty of a crime and whoever violates any of the provisions of this act, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by fine of not more than ten thousand dollars, or by both such fine and imprisonment.

*Statement of Expenses.*

SEC. 42. The statement of expenses required from candidates and others by this act shall be substantially as follows: State of Nevada, County of ..... ss.

I, ....., having been a candidate (or expended money) at the election for the (state) (district) (city) of ....., on the ..... day of ....., A.D. 19...., being first duly sworn, on oath so say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and belief that return is full, correct and true.

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief no person, nor any club, society or association or political agent has on my behalf, whether authorized by me or not, made any payment or given, promised, or offered any reward, office, employment, or position, public or private, or valuable consideration, or incurred any liability on account of, or in respect to, the conduct or management of the said nomination (or election).

And I further state on oath that, except as specified in this return, I have not paid any money, security, or equivalent for money, nor has any money or equivalent for money, to my knowledge or belief, been paid, advanced, given or deposited by any one to or in the hand of myself or any other person for my nomination or election or for the purpose of paying any expense incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further state on oath that I will not, except as far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward, office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned or on account of my nomination or election, or provide or be a party to the providing of any money,

security or equivalent for money for the purpose of defraying any such expense.

And I further state that the following persons and no others were appointed by me as my political agents, viz: (give name and address). That herewith is attached true copies of the written appointments of such agents (attach copies of appointments). That I have received reports from all my political agents (or the facts). That I have not expended, paid out, authorized or become liable for any moneys or expenditures in excess of the amount permitted by statute, including the expenditure, debts and liabilities of my political agents. That I have read the laws of the State of Nevada concerning elections and that I have not knowingly violated any of such laws. (If any exceptions state them.)

(Signature of affiant) .....

Subscribed and sworn to by the above-named .....,  
on the ..... day of ....., A. D. 19...., before me, in  
my county aforesaid.

.....(Title of officer.)

Attached to said affidavit shall be a full and complete account of the receipts, contributions and expenses of said affiant, and of his supporters, of which he has knowledge, with numbered vouchers for all sums and payments for which vouchers are required. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so also shall be the affidavit of any person who has received or expended money in excess of the sum of fifty dollars to aid in securing the nomination or election or defeat of any candidate, or of any political party or of any measure before the people.

*False Oath Is Perjury.*

SEC. 43. Any person who shall knowingly make any false oath or affidavit, where an oath or affidavit is required by this act, shall be deemed guilty of perjury and punished accordingly.

*Not Retroactive.*

SEC. 44. None of the provisions of this act shall be construed as governing, or relating to, or in any manner affecting any past acts, omissions or transactions.

*Each Section Independent.*

SEC. 45. If any section or clause of this act shall be held unconstitutional it shall not affect or invalidate any other part of this act.

## CONSTITUTIONAL AMENDMENTS

[*From the Constitution of Nevada*]

### ARTICLE XVI

#### AMENDMENTS

#### *Constitution Amended, How.*

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or assembly; and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceeding the time of making such choice. And if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become a part of the constitution.

#### *Constitutional Convention, When.*

SEC. 2. If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this entire constitution, they shall recommend to the electors, at the next election for members of the legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

*An Act providing for the manner of submitting constitutional amendments to the voters of the State of Nevada.*

[Approved March 5, 1887, p. 122]

#### **1878. Board of Examiners Shall Order Proposed Amendments Published.**

SECTION 1. Whenever the conditions prescribed by the constitution of the State of Nevada for amending the same

have been complied with by the legislature, the state board of examiners shall order such proposed amendments to the constitution published in one daily newspaper of general circulation, published in the State of Nevada, for a period of ninety days next preceding any general election held in this state, when any proposed amendments are pending.

**1879.** *Publisher Shall Print and Clerk Mail Copies of Paper to Voters.*

SEC. 2. The publisher of the newspaper publishing the proposed amendments, as required by this act, shall print and send to the county clerk of each county in this state, as many copies of said newspapers containing the publication of said proposed amendments as there were registered voters for the general election of eighteen hundred and eighty-six, and the printing and mailing of said extra copies required under this act shall be done by the publisher without expense to the state. It is hereby made the duty of the clerk of each county to mail to every registered voter within his county a copy of the newspaper containing the proposed amendments.

**1880.** *Commissioners' Proclamation.*

SEC. 3. The several boards of county commissioners in this state, before the next general election after final agreement by the legislature to any proposed amendments to the constitution, shall, in their proclamation, order that there be printed on the ballots: "Amendment No....., Yes"; or "Amendment No....., No."

**1881.** *Canvass and Return.*

SEC. 4. The vote on an amendment to the constitution shall be canvassed and returned in the same manner as is or may be provided by law for the canvass and return of votes for elective officers.

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## MISCELLANEOUS

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### ONE REGISTRATION SUFFICIENT

*An Act providing for a single registration of the names of electors to vote at any primary election and at the election for which candidates are nominated at such primary election.*

[Approved March 23, 1911—Stats. 1911, p. 335]

*Registration at Primary Sufficient for Regular Election.*

SECTION 1. Hereafter when any qualified elector shall have registered a vote at any primary election under the provisions of section 17 of "An act to provide for the direct nomination of candidates for public office by electors, political parties and organizations of electors, without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the methods whereby the electors of political parties may express their choice for United States senator; to provide for the registration of voters for said primary elections and the compensation of registry agents, and to provide penalties for violating the provisions of this act," approved March 23, 1909, and his name shall appear on the supplemental register provided for in said section 17, said elector shall not be required to register again in the same voting precinct as a qualification to vote at the election for which candidates were nominated at such primary election for which he has previously registered; and the registry agent shall copy the names appearing on said supplemental register into the registration books for said election the same as if such elector had registered for such election as now required by the registration laws of this state.

[*This Act probably superseded by provisions of the General Election Law.*]

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## CONCERNING MUNICIPAL REGISTRATION

CHAP. 247—*An Act to provide for a registration list of the names of electors in certain incorporated cities within the State of Nevada, prescribing certain duties and fixing the compensation of certain registration agents, providing for the method of nominating candidates to be voted for at municipal elections in such incorporated cities, and other matters properly appertaining thereto.*

[Approved March 25, 1913]

*Municipal Voters Segregated on Registry.*

SECTION 1. In all incorporated cities within this state polling more than two thousand votes at the last general election preceding any special or regular municipal election it shall not be necessary to have a new registration of electors, but the justice of the peace or other registry agent of any township within this state, which shall have within its limits any incorporated city as herein contained, shall, during the time intervening between the closing of any registration of electors at the last preceding general election and the date of the next ensuing general or special municipal election, carefully prepare and certify from the official register of the last preceding general election, into suitable books, one for each ward within said incorporated cities, the names of all the electors contained in the said official register, alphabetically arranged (the surname first), entering opposite each name the number it bears on said official register, together with all other entries found opposite such name, and indicating with a cross of red ink those electors whose addresses show that they do not reside within the corporate limits of said city. The registry agent shall keep in his office the original certified copy of the said registration list as herein contained, and shall, not later than the day preceding the election, deliver to one of the inspectors of the election of each ward in said city a certified copy of the said list to be used at said election, and he shall also prepare not later than the day preceding the day on which the election is to be held, in "index books," one for each ward, and which shall be known as a "check list," lists of the names of all the electors found on the official register for such wards, alphabetically arranged (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the inspectors of election shall check the names of those voting, by some particular character, as for instance thus: "V" for voted. Said blank columns last mentioned shall have written headings made by the registry agents, showing what particular election said "check lists" apply to, as, for instance, "Voted at City Election, 1913." The copy of the official

register, together with the "check list" for each ward, as herein provided, shall be carefully prepared and duly certified to by the registry agent and delivered to some one of the inspectors of election in each ward, at a time not later than the day next preceding that on which such municipal election is to be held, and such "check lists" shall be carefully preserved and transmitted by the inspectors of election to the clerk of the city council, in connection with and as a part of the "Election Returns," as provided by law.

*Supplemental Registration.*

SEC. 2. Before delivering the copy of the registration list as prepared by him in accordance with section 1 hereof the registry agent shall enter thereon and on the said "check list" all the names of electors registering at the supplemental registration for such election, together with the names of all electors who shall have moved from one ward to another in said city, and by him legally transferred.

*Identification of Voters.*

SEC. 3. In addition to the books hereinbefore contained to be delivered by the registry agent, he shall deliver at the same time and in the same manner the original official register or registers containing the names and original signatures of all electors registered for the last preceding general election, and entitled to vote at such polling place, together with all the original registration cards containing the signatures of electors registered at the supplemental registration held for such election. Said original list and original registration cards shall be kept by one of the inspectors of election of each ward to be used for the purpose of identifying the electors, and shall be returned to the registry agent upon the completion of the canvass of the vote by the election board.

*City Council to Provide Supplies.*

SEC. 4. The city council of such incorporated city as herein contained shall provide all necessary books and supplies for the carrying out of the purposes of this act, and in addition to the provisions of this act the said election shall in all other respects be conducted and held in accordance with the provisions of the general election laws of the State of Nevada, and the charter and ordinances of said incorporated city.

*Compensation of Registry Agent — Registry List Printed, When.*

SEC. 5. The said registry agent as in this act contained shall be entitled to receive, as full compensation for all services rendered by him under the provisions hereof, the sum of fifteen (15) cents per name of each elector by him copied, regardless of the number of times each name shall be copied, which shall be a valid claim against the said city; and his



account shall be made out so as to clearly show the number of names by him copied, and sworn to and filed with the city council of the city; and said claim together with all other just and reasonable demands of other persons for books, advertising and supplies, necessarily incurred in carrying out the requirements of this act shall be audited and paid out of the general fund of said city; *provided*, that if the city council shall deem it necessary and expedient, it shall cause to be printed a list of the registered voters.

*Nomination of Candidates at Municipal Elections.*

SEC. 6. Candidates for any office to be voted for at such municipal election may be nominated in the following manner: An affidavit of nomination containing the name of the candidate to be nominated, his residence and the office for which he is nominated, signed by electors residing within the ward or other political subdivision for which candidates are to be presented equal in number to at least ten per cent of the entire vote cast at the last preceding municipal election in the ward or other political division for which the nomination is to be made, shall be filed with the city clerk of such incorporated city not more than fifty days nor less than thirty days before the day of election. Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. One of the signers of each such certificate shall swear that the statements therein made are true, to the best of his knowledge and belief, and a certificate of such oath shall be annexed. There shall be charged each candidate for filing a fee of five dollars, which shall be paid to the city clerk at the time of filing and go to the general fund of the city.

*Duties of City Clerk.*

SEC. 7. After receiving the certificates of nomination as contained in section 6 hereof, the city clerk shall perform each and every act necessary as now or may hereafter be provided by law to place the names of the candidates on the ballot; and the general election laws of the State of Nevada wherever and whenever possible shall be adopted and be considered applicable for the uses and purposes of said municipal elections where this act fails to provide for the same.

*In Effect.*

SEC. 8. This act shall take effect immediately upon its approval and all acts or parts of acts in conflict or in any way inconsistent herewith are hereby repealed.

# ELECTOR GIVEN OPPORTUNITY TO VOTE

CHAP. 15—*An Act to provide employed electors opportunities to vote.*

[Approved February 24, 1913]

## *Certain Electors Given Holiday on Election Day.*

SECTION 1. No person entitled to vote at any election held in this state shall, upon the day of such election, be employed in any manufacturing, mechanical or mercantile establishment, except such establishments as may lawfully conduct their business on a legal holiday.

## *Electors Must Be Given Three Hours in Which to Vote.*

SEC. 2. Every person entitled to vote at any such election held in this state who is employed in such an establishment as may lawfully conduct its business on a legal holiday and on election day, must be given on election day a leave of absence for a period of three consecutive hours after the opening and before the closing of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

## *Employers Held Liable for Violation of This Act.*

SEC. 3. Any owner, superintendent or overseer, or other person, [shall] in any manufacturing, mechanical or mercantile establishment, who employs or permits to be employed any person therein on the day of any election held in this state in violation of the provisions of section 1 of this act, or who violates the provisions of section 2 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than fifty days, or both such fine and imprisonment.

## *In Effect.*

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

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## SCHOOL TAX ELECTION

Section 141 of the School Law of 1911 refers to elections to decide whether special school tax shall be levied. The portion relating to the election is here given. See Stats. 1911, p. 222.

## *Popular Election to Decide Whether Tax Shall Be Levied, When.*

SEC. 141. The board of trustees of any school district may, when in their judgment it is advisable, call an election and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district or to keep any school or schools in

such district open for a longer period than the ordinary funds will allow or for building an additional schoolhouse or houses, or for any two or for all of these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days, and also if there be a newspaper in the county by advertisement therein once a week for three weeks. Said notice shall contain time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The trustees shall appoint three judges to conduct the election, and it shall be held in all other respects as nearly as practicable in conformity with the general election law. At such election the ballots shall contain the words: "Tax—Yes," or "Tax—No." If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the county commissioners, together with a statement of the amount of money proposed to be raised, who shall ascertain the necessary percentage on the property of said district, as shown by the last assessment made thereof after equalization, to raise the amount of money voted, and shall add it to the next county tax to be collected on the property aforesaid; and the same shall be paid into the county treasury as a special deposit in favor of said school district, to be drawn in the same manner as other school moneys. \* \* \*

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### HIGH-SCHOOL ELECTIONS

Sections 173, 174, 175, and 178 of the School Law relate to elections for establishing county high schools and electing a County Board of Education. They are here given in full. See Stats. 1911, pp. 233, 234, 235, 236.

#### *County High Schools, When Established by Popular Vote.*

SEC. 173. There may be established in any county in this state a high school; *provided*, that at any general or special election held in said county after the passage of this act, a majority of all the votes cast at such election, upon the proposition to establish a high school shall be in favor of establishing and maintaining such high school at the expense of said county.

#### *County Commissioners to Submit Question to Popular Vote.*

SEC. 174. The board of county commissioners at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, at any regular meeting of said board held not less than eight weeks before any general or special election, must make an order submitting the question of establishing, constructing and maintaining a county high school to the qualified electors thereof. The board of county commissioners, upon the presentation of said petition, may order a special election for said purpose. Said election shall be conducted in the manner

prescribed by law for conducting elections, and the ballots at such election shall have printed thereon the words "For a County High School" and the words "Against a County High School." The votes cast for and against said county high school at any election therefor, shall be counted and returns thereof made and canvassed in the manner provided for by law for counting, making returns, and canvassing the votes of a general election; *provided*, that the election officers appointed to conduct any special election held in accordance with this act, as required by law, shall perform all services required of them by law in holding and conducting such elections, without any fees or pay therefor.

*Location of School, How Determined—Form of Ballot.*

SEC. 175. If a majority of the votes cast on a proposition to establish a county high school shall be in the affirmative, it shall be the duty of the board of county commissioners, within thirty days after canvassing said vote, to locate the high school in the place in said county where the said board shall deem most suitable and convenient for the purpose. If, after the county commissioners have located said high school, there shall be presented a certified petition bearing the signatures of at least one-fourth of the qualified voters of such county according to the last general election returns, said petition requesting a vote on the question of the location of the county high school and specifying a desired location, said board of county commissioners shall submit the question of such location to the voters of the county at the next general election, or a special election called for the purpose of voting upon the question of locating or changing the county high school; *provided*, that in all cases where special elections have been called by the board of county commissioners of any county of this state previous to the passage of this act to submit the question of location of any county high school to the voters in any such county wherein two thousand or more votes were cast at the last general election, and wherein the assessed valuation of real and personal property is six million dollars or more, the board of county commissioners may, if said board deems it to the best interest of the people of such county, establish two county high schools; one at the place selected by the board of county commissioners and one at the place named in the petition presented to the said board of county commissioners praying for said special election in said county, and thereupon the said board may revoke the order calling said special election, and in such cases no special election shall be held. At any general or special election at which the location of any county high school is submitted to the voters of the county, the form of ballot shall be:

Shall the County High School be located at.....? Yes.....

Shall the County High School be located at.....? No .....

In any other respects the provisions of the general election law shall be followed. If at any such election a majority of all voters who shall vote on the question of such location shall vote in favor of locating the county high school at the place designated in the petition, it shall be the duty of the county board of education to cause the high school to be located at such place, not later than the first day of the next following September. While the vote on the question of changing the location of any county high school is pending, no contract for the purchase of grounds or for the erection of a building shall be made. When the location of the county high school has been finally determined, the board of county commissioners shall estimate the cost of purchasing suitable grounds, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve months; *provided*, that the estimate mentioned herein for purchasing suitable grounds, procuring plans and specifications, erecting a building, furnishing the same, and fencing and ornamenting the grounds shall not be made, if previous to the time when the commissioners are to make such estimates the legislature shall have authorized said county to issue bonds for such purpose.

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#### *County Board of Education Elected.*

SEC. 178. At each general election there shall be elected a county board of education, to consist of three members, two of whom shall serve two years, and the other four years, and thereafter at each regular biennial election there shall be elected two members of said board, one of whom shall serve for two years and the other for four years. Each person elected as herein provided shall enter upon the duties of his office on the first Monday in January next following his election, and shall hold office until his successor is elected and qualified. If at any time a vacancy shall occur on said board, it shall be the duty of the superintendent of public instruction to appoint a member for the unexpired term.

### SCHOOL DISTRICT BONDS ELECTION

Sections 191 to 194, inclusive, of the School Law of 1911 relate to elections for the issuance of bonds by a school district for various purposes. See Stats. 1911, pp. 238, 239, 240. The sections indicated are here given:

#### *School District Bonds May Be Issued.*

SEC. 191. Any school district of the state, now existing or which may hereafter be created, is hereby authorized to borrow money for the purpose of erecting and furnishing a school building or buildings, maintaining the same, purchasing grounds on which to erect such building, or buildings,

or for refunding floating indebtedness, or for any or all of these purposes, by issuing negotiable coupon bonds of the district in the manner by this act provided.

*Questions of Issuing Bonds Submitted to Popular Vote.*

SEC. 192. When the board of trustees of any school district shall deem it necessary to incur an indebtedness authorized by this act by issuing the negotiable coupon bonds of the district, said board of trustees shall first determine the amount of such bonds to be issued, and a certificate of such determination shall be made and entered in and upon the records of said district. Thereupon the board of school trustees shall, by resolution duly made and entered in and upon the records of said board, submit the question of contracting a bonded indebtedness for any of the purposes authorized by this act to a vote of the duly qualified electors of the district at the next general election of the school trustees, or at a special election which the school trustees are hereby authorized to call for such purpose.

*Election, How Conducted—Election Notice.*

SEC. 193. The election provided in this act shall be called and held, and the vote canvassed and returned, in all respects as nearly as may be in accordance with the provisions of law now governing the election of school trustees; *provided*, that if there is a newspaper published in the school district, the notice shall be published for at least once a week for two successive weeks, preceding said election. The election notice must contain:

First—The time and place of holding such election.

Second—The names of inspectors to conduct the same.

Third—The hours during the day in which the polls will be open.

Fourth—The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the bonds are to run. All persons voting on the question submitted at such election shall vote by separate ballot whereon is placed the words "For the Bonds" or "Against the Bonds." The ballots shall be deposited in a separate box provided by the school trustees for that purpose.

*Bonds to Run No Longer than Twenty Years.*

SEC. 194. If upon the official determination of the result of such election it appears that a majority of all the votes cast are "For the Bonds," the board of trustees, as soon as practicable, shall issue the negotiable coupon bonds of the district in such form and denomination as the board of trustees may direct, said bonds to run for a period not to exceed (20) years from the date of issue, and bearing interest at a rate not exceeding eight (8%) per cent per annum, payable semiannually, both principal and interest payable at such place as the board of trustees may direct, said bonds

not to be sold for less than their par value. And before said sale is made notice of such proposed sale must be given by publication, in a newspaper, if there is a newspaper published in the district, for at least once a week before said bonds are disposed of, inviting sealed bids to be made for said bonds, and said bonds are to be sold to the highest and best bidder for said bonds; *provided*, if there is no newspaper published in said school district, the notice herein provided for shall be given by posting in three public places in said school district for at least ten days before said bonds are disposed of.

### ELECTION OF DISTRICT JUDGE

CHAP. 144—*An Act to create judicial districts in the State of Nevada, provide for the election of district judges therein, and to fix their salary, and to repeal all other acts in relation thereto.*

[Approved March 22, 1913]

*Ten Judicial Districts in State; Each Described.*

SECTION 1. The State of Nevada is hereby divided into ten judicial districts. The counties of Storey, Douglas and Ormsby shall constitute the First judicial district; the county of Washoe shall constitute the Second judicial district; the counties of Eureka and Lander shall constitute the Third judicial district; the county of Elko shall constitute the Fourth judicial district; the county of Nye shall constitute the Fifth judicial district; the county of Humboldt shall constitute the Sixth judicial district; the counties of Esmeralda and Mineral shall constitute the Seventh judicial district; the counties of Lyon and Churchill shall constitute the Eighth judicial district; the county of White Pine shall constitute the Ninth judicial district; and the counties of Lincoln and Clark shall constitute the Tenth judicial district. For each of said districts judges shall be elected by the qualified electors thereof at the general election in the year 1914, and every four years thereafter, except as otherwise provided in this act, as follows: For each of said districts, except the Second judicial district, there shall be [elected one judge. For the Second judicial district there shall be] two judges elected.

*Takes Effect January, 1915—Proviso.*

SEC. 2. Until the first Monday in January, 1915, the judicial districts of this state shall be and remain as heretofore provided by law, unless there shall occur vacancies in the offices now held by the present incumbents, by deaths, resignations or otherwise; *provided*, that in case of such vacancy or vacancies the provisions of this act shall take immediate effect, and such vacancy or vacancies shall be filled as provided by law.

*Salaries of Judges.*

SEC. 3. The salary of each judge herein elected, or appointed to fill vacancies whenever such vacancies shall occur, shall be four thousand dollars per annum, except the judge of the Fourth judicial district whose salary shall be four thousand five hundred dollars per annum, and the judge of the Fifth judicial district whose salary shall be six thousand dollars per annum, and the judge of the Seventh judicial district whose salary shall be four thousand five hundred dollars per annum, and the judge of the First judicial district, whose salary shall be three thousand dollars per annum; all of said salaries to be paid in equal monthly installments out of the district judges' salary fund, hereby created in the state treasury, which fund shall be supplied in the manner following, to wit:

Each county in each district in the state shall contribute annually to the said fund its proportionate share of the money necessary to pay the judge or judges of its district their respective salaries monthly for such year, based upon the assessment roll of each county for the previous year, and it is hereby made the duty of the county commissioners of each county to make such arrangements and orders as may be necessary to insure the forwarding of their county's quota of said district judges' salary fund to the state treasurer at such times and in such installments as will enable the state treasurer to pay each district judge one-twelfth of his annual salary on the first Monday of each and every month, and to cause such money to be forwarded by the county treasurer, and if necessary in order to render certain the forwarding of such money in ample time to prevent any default in said monthly installments, said board of county commissioners shall transfer and use any moneys in the county treasuries except those belonging to the public school fund. No salary of any district judge shall be paid in advance.

*Two Judges for Second District.*

SEC. 4. The Second judicial district shall be entitled to and shall have two district judges; they shall have concurrent and coextensive jurisdiction within said district, under such rules and regulations as may be prescribed by law, and they shall have power to make such rules and regulations as will enable them to transact judicial business of said district in a convenient and lawful manner.

*Repeal.*

SEC. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.



## SEWER BONDS ELECTIONS

*An Act to authorize the issuance of bonds by unincorporated cities and towns for the construction of sewerage systems.*

[Statutes 1909, p. 179]

*Unincorporated Cities and Towns May Issue Bonds for Sewerage Systems.*

SECTION 1. For the purpose of constructing sewerage systems within their respective limits, and waste mains therefrom, any unincorporated city or town within this state, which is being or may hereafter be governed under the provisions of an Act of the Legislature of this State entitled "An act providing for the government of towns and cities within this state," approved February 26, 1881, and acts amendatory thereof, are hereby authorized to issue bonds in the amount and manner hereinafter set forth and prescribed.

*Amount Limited—Denomination.*

SEC. 2. Said bonds shall not in any such city or town at any time exceed the sum and amount of sixty thousand dollars (\$60,000); they shall be of convenient denominations, ranging from one hundred dollars (\$100) to one thousand dollars (\$1,000), and shall bear interest at the rate of not more than six (6) per cent per annum, the interest on each bond to be payable annually, beginning on the third Monday in January of the second year after such bond shall have been issued, and upon the same date in each succeeding year during the life of such bond. The bonds shall be numbered consecutively and have interest coupons attached in such manner that they can be removed upon payment of the installments of interest without injury to the bonds. The bonds shall be signed by the chairman of the board of county commissioners, acting as a city or town board, and countersigned by the clerk of said board. The bonds shall be distinctly known as ".....Sewerage Bonds," the name of the city or town issuing them being inserted before the word "Sewerage."

*Special Election to Determine.*

SEC. 3. Before issuing the said bonds the board of county commissioners, acting as such city or town board, shall publish a notice for at least three consecutive weeks in some daily newspaper published in said city or town, calling for a special election by the legally qualified electors of said city or town to determine whether such bonds shall issue. If there be no daily newspaper published in such city or town, the said notice shall be posted in at least three conspicuous places within the limits of such city or town, for the same length of time, and if there be a weekly newspaper published in said city or town, the said notice shall also be published in each issue of said weekly newspaper during the period of posting. The notice shall state specifically the amount of the proposed

bond issue, the rate of interest the bonds are to bear, the time and manner of their payment, and that they are for the construction of a sewerage system.

*Ballots—Bonds Issued, When.*

SEC. 4. The board shall cause a sufficient number of ballots to be printed which shall bear the words "Sewerage Bonds—Yes," and "Sewerage Bonds—No," printed thereon in parallel lines, one above the other. The voter will scratch out the "Yes" if opposed to the bonds, or the "No" if in favor of their issue. The election shall be conducted and the votes canvassed, in all essential particulars as in other city and town elections. If a majority of all the votes cast are in favor of the issue of the bonds, the board of county commissioners, acting as such city or town board, shall proceed at once to issue them as rapidly as needed, in conformity with the provisions of this Act. Said bonds shall be sold at not less than their par value, and shall be redeemable, in the order of their issue, not less than three years or more than fifteen (15) years from the date of their issue respectively.

*Providing for Redemption and Interest.*

SEC. 5. To provide for the payment of the said bonds and the interest thereon the board of county commissioners shall, at the time of the regular tax levy for state and county purposes, levy an additional tax upon all property, real and personal, within the limits of such city or town, sufficient, in their judgment, to pay the interest upon such bonds annually as it becomes due, and the principal at such a rate as will redeem all the bonds within fifteen (15) years from the date of issue. In each case the fifteen (15) years shall begin to run from the date of the particular bond to be paid. The said taxes shall be assessed and collected the same as other taxes, paid to the county treasurer, and by him placed in a fund to be known as the ".....Sewerage Fund" with the name of the city or town preceding the word "Sewerage."

*Commissioners to Supervise Work.*

SEC. 6. All sewerage systems constructed under the provisions of this act shall be so constructed under the supervision and control of the board of county commissioners, acting as such city or town board. The materials may be purchased and the work caused to be done directly by the board, or it may advertise for plans and specifications, and bids for construction as in cases of other public works.

*In Case of Town or Cities Afterward Incorporating.*

SEC. 7. In all cases wherein such sewerage systems are constructed in unincorporated cities and towns, and such cities and towns are afterwards incorporated, the control and management of such systems shall at once be vested in the municipal governments of such cities and towns. If such cities or towns shall be incorporated while the work of construction

is in progress, the work shall, nevertheless, be carried on to completion by the board of county commissioners, and when completed the system shall be turned over to the city or town government as it shall have been organized. It shall then be the duty of such city or town government to provide for the payment of the principal and interest upon said bonds, by the levy and collection of taxes as prescribed by law. It shall be the duty of the county treasurer having custody of the sewerage funds to turn such funds over to the city treasurer immediately upon the qualification of the city treasurer, and the bonds, principal and interest shall then be paid by the city government in all respects as prescribed for their payment by the boards of county commissioners, acting as city or town boards.

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### LEGISLATIVE APPORTIONMENT

CHAP. 103—*An Act reapportioning senators and assemblymen of the several counties to the legislature of the State of Nevada.*

[Approved March 17, 1911, p. 117]

SECTION 1. The apportionment of senators and assemblymen in the several counties of this state shall be as follows:

Churchill County, one senator and two assemblymen;  
Clark County, one senator and two assemblymen;  
Douglas County, one senator and two assemblymen;  
Elko County, two senators and five assemblymen;  
Esmeralda County, two senators and five assemblymen;  
Eureka County, one senator and two assemblymen;  
Humboldt County, two senators and five assemblymen;  
Lander County, one senator and two assemblymen;  
Lincoln County, one senator and two assemblymen;  
Lyon County, one senator and two assemblymen;  
Mineral County, one senator and two assemblymen;  
Nye County, two senators and five assemblymen;  
Ormsby County, one senator and two assemblymen;  
Storey County, one senator and two assemblymen;  
Washoe County, two senators and nine assemblymen;  
White Pine County, two senators and four assemblymen.

SEC. 2. Nothing in this act shall be so construed as to affect the term of office of senators and assemblymen now in office.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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## ROAD SUPERVISOR ELECTION

*An Act providing for the election of road supervisors, for the subdivision of counties into road districts, and matters properly relating thereto.*

[Approved March 19, 1901]

*Relating to Road Districts.*

SECTION 1. The county commissioners of each county polling at the last general election eighteen hundred votes or over shall, for the purpose of supervision of roads, divide the county into road districts, each appropriately designated.

*Road Supervisor To Be Elected.*

SEC. 2. At every election of county officers there shall also be elected one road supervisor in each road district, whose duty it shall be to supervise all work upon the roads in his district, and to attest to the propriety of all bills for such work, and to direct the expenditure of all sums set apart for his district by the county commissioners.

*Compensation, How Fixed.*

SEC. 3. The compensation of road supervisors shall be fixed by the county commissioners.

*Duty of County Commissioners.*

SEC. 4. On or before the 15th day of April, 1901, the county commissioners shall appoint one road supervisor for each road district to serve and hold office until their successors have been elected and installed.



# PROPOSED CONSTITUTIONAL AMENDMENT

## Granting Elective Franchise to Women

No. 1—*Assembly Joint and Concurrent Resolution, relative to amending section one of article two of the constitution of the State of Nevada, pertaining to the right of elective franchise.*

[Approved January 31, 1913]

*Be it resolved by the Assembly, the Senate concurring,* That section one of article two of the constitution of the State of Nevada be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of twenty-one years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no idiot or insane person, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex.



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## O

# VOTERS, TAKE NOTICE!

Before election day read the law.

Secure a sample ballot before going to the polls.

Decide for whom you will vote before going into the booth.

Obtain your ballot from one of the Clerks of Election.

You will be allowed only ten minutes in which to prepare your ballot.

Stamp the cross X in the square after the name for which you vote.

The cross must be made only with the stamp in black ink.

Any writing or other marking will invalidate your ballot.

Fold your ballot before leaving the booth.

See that the water-mark and number are on the outside.

Deliver your ballot, folded, with the stamp, ink and ink-pad to the Inspector, and give your name.

Only one voter can occupy a booth at one time.

A voter physically disabled may have the assistance of another elector in preparing his ballot.

Inability to read or write will not be considered a physical disability.

Drunkenness is not physical disability.

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NOTE—The above are respectfully suggested as some of the instructions to be printed in the card of instruction to voters. Sections 27, 28, 29 and 30 of Chap. 5, entitled "An Act relating to elections and removals from office," should be printed on each card.

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